EXHIBIT 2 REDACTED VERSION OF DOCUMENT SOUGHT TO BE

SEALED

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1
                  UNITED STATES DISTRICT COURT
             FOR THE NORTHERN DISTRICT OF CALIFORNIA
 2
 3
                      SAN FRANCISCO DIVISION
 4
                                    )
 5
     WAYMO, LLC,
                        Plaintiff,
 6
 7
                                    ) No. 3:17-CV-00939
                VS.
8
     UBER TECHNOLOGIES; INC.;
     OTTOMOTTO, LLC; and OTTO
     TRUCKING, LLC,
9
                        Defendants. )
10
11
12
           ATTORNEYS' EYES ONLY - HIGHLY CONFIDENTIAL
13
14
15
          The videotaped 30(b)(6) deposition of ERIC
     MEYHOFER, called as a witness by the Plaintiff,
     pursuant to notice and the Federal Rules of Civil
16
     Procedure pertaining to the taking of depositions,
     taken before me, the undersigned, Rebecca L. Schnur,
17
     Notary Public in and for the Commonwealth of
     Pennsylvania, at the offices of Reed Smith, LLP,
18
     225 Fifth Avenue, Pittsburgh, Pennsylvania 15222,
19
     commencing at 9:20 a.m. on FRIDAY, AUGUST 18, 2017.
20
21
22
23
24
     Job No. 2681788B
25
     Pages 1 - 259
                                                   Page 1
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1	(Whereupon, Deposition Exhibit 877 was marked	09:22:46
2	for identification.)	09:22:46
3	Q. Okay. So I've placed in front of you two	09:22:46
4	documents, two exhibits, Exhibit 876, which is Waymo's	09:22:50
5	30(b)(6) notice to Uber	09:22:54
6	A. Uh-huh.	09:22:57
7	Q then an e-mail dated August 7 (sic), that	09:22:57
8	is marked as Exhibit 877.	09:22:59
9	Do you see that?	09:23:01
10	A. Yes, I do.	09:23:03
11	Q. Why don't we start actually with Exhibit 877.	09:23:04
12	Do you see your name listed?	09:23:08
13	A. Yes, I do.	09:23:09
14	Q. And it lists topics 1, 2, 3, 9, and 10. Do	09:23:10
15	you see that?	09:23:14
16	A. I see that.	09:23:14
17	Q. So if we can turn to Exhibit 876 and we can	09:23:15
18	go to the section of the document starting on page 6,	09:23:21
19	entitled "Deposition Topics" let me know when you're	09:23:24
20	there.	09:23:28
21	A. I'm there.	09:23:29
22	Q. Mr. Meyhofer, are you prepared to testify on	09:23:30
23	behalf of defendants Uber and Otto on behalf of for	09:23:33
24	topic number 1?	09:23:37
25	A. Yes, I am.	09:23:41
		Page 8

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1	Q. You hesitated. Are you not sure?	09:23:44
2	A. Well, Uber and Otto, I'm just I was just	09:23:45
3	clarifying that I'm going to representing them both	09:23:48
4	because I thought we said earlier this was Uber, and	09:23:51
5	then this says Uber and Otto, but, yes.	09:23:53
6	Q. Okay. All right. So to reiterate, you are	09:23:56
7	prepared to testify on behalf of Uber and Otto with	09:24:01
8	regard to topic number 1?	09:24:04
9	A. Yes.	09:24:05
10	MR. HUME: If you could, just give me a	09:24:06
11	moment to object to each question.	09:24:07
12	When you say "Otto," are you referring to	09:24:09
13	I think it's a little unclear the way that I	09:24:13
14	mean, Uber now owns Ottomotto.	09:24:14
15	Q. Yeah. So if you look at the front of	09:24:19
16	Exhibit 876, you see it says it's Rule 30(b)(6) Notice	09:24:22
17	to Uber and Ottomotto. That's what I'm referring to.	09:24:24
18	A. Uh-huh.	09:24:29
19	Q. So if we can go to number 2, Mr. Meyhofer,	09:24:33
20	are you prepared to testify on behalf of the company	09:24:41
21	with regard to topic number 2 in Waymo's 30(b)(6)	09:24:43
22	notice?	09:24:47
23	A. Yes, I am.	09:24:48
24	Q. And this means you are prepared to testify on	09:24:49
25	behalf of Uber on the state and status of Uber's lidar	09:24:52
		Page 9

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1	development for autonomous vehicles before	09:24:58
2	January 2016. Is that correct?	09:24:59
3	MR. HUME: I'm going to object to that	09:25:01
4	question. We have objections to this and stated,	09:25:02
5	I mean, a little more precisely what we were going	09:25:04
6	to produce Mr. Meyhofer to talk about, which is	09:25:09
7	development of Uber's lidar between January 2015	09:25:12
8	and January 2016.	09:25:17
9	Q. With that clarification from your counsel,	09:25:19
10	can you answer my question, please.	09:25:23
11	A. Yes, I am prepared.	09:25:25
12	Q. And the same for topic number 1, are you	09:25:28
13	prepared to testify on behalf of defendants Uber and	09:25:31
14	Ottomotto with regard to Anthony Levandowski's	09:25:35
15	involvement in the development of lidar on behalf of	09:25:39
16	Uber and Ottomotto?	09:25:42
17	A. Yes, I am.	09:25:44
18	Q. Topic number 3, you see that one?	09:25:47
19	A. Uh-huh.	09:25:50
20	Q. Are you prepared to testify on behalf of Uber	09:25:51
21	and Ottomotto for topic number 3?	09:25:53
22	A. I am.	09:25:56
23	Q. All right. We can go to topic number 9. Are	09:26:01
24	you prepared to testify on behalf of Uber and Otto with	09:26:05
25	regard to topic number 9?	09:26:08
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1	A. I am.	09:26:09
2	Q. Are you prepared to testify on behalf of Uber	09:26:10
3	and Ottomotto with regard to topic number 10?	09:26:12
4	A. I am.	09:26:16
5	Q. Now, why don't we start with topic number 9.	09:26:23
6	What did you do to prepare to testify on behalf of the	09:26:26
7	company for topic number 9?	09:26:31
8	A. I requested from counsel a few documents that	09:26:36
9	are in this folder and I believe you've been provided.	09:26:39
10	I spoke with who is the finance	09:26:43
11	person who would be most prepared to gather this sort	09:26:55
12	of information.	09:26:57
13	Q. Anything else?	09:27:02
14	A. Reviewed the documents, and then there was	09:27:04
15	also a spreadsheet that or a couple of spreadsheets	09:27:06
16	that were e-mailed over, that I reviewed as well.	09:27:11
17	Q. That counsel for Waymo e-mailed over?	09:27:15
18	A. No. They were prepared by	09:27:19
19	Q. Anything else?	09:27:27
20	A. (No verbal response.)	09:27:29
21	Q. Sorry. You have to give audible answers.	09:27:30
22	A. I don't believe so, no.	09:27:33
23	Q. Before we go any further, what is your	09:27:36
24	current title?	09:27:39
25	A. I'm the head of the Advanced Technologies	09:27:40
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1	Q. What do you mean by "skip-level	09:29:30
2	communication"?	09:29:32
3	A. I'm sorry. Skip level two rings. So my	09:29:32
4	first ring would be my direct. My second ring would be	09:29:35
5	their directs. So keeping keeping tabs on the	09:29:39
6	leadership qualities that they have, making sure they	09:29:47
7	have the training that they need and that their careers	09:29:50
8	are growing in a way that matters so that they can	09:29:54
9	build this technology.	09:29:57
10	So it's important I don't as head, you	09:29:59
11	don't my responsibility is to build the team to	09:30:02
12	build the product.	09:30:05
13	Q. And you said "I don't" or "you don't,"	09:30:09
14	meaning	09:30:10
15	A. I'm not responsible for I can't this	09:30:11
16	isn't a 20-person effort, and so I can't build a team	09:30:15
17	of 20 people and be intimate with everything they do	09:30:18
18	every day, so I have to build a team of people that can	09:30:22
19	build a team of people and cascade.	09:30:26
20	Q. Okay. Turning back well, actually, before	09:30:36
21	we do that, so I take it from your answer that means	09:30:40
22	that you are not involved in the day-to-day engineering	09:30:43
23	of the project?	09:30:47
24	A. It depends on which project, but, typically,	09:30:48
25	it isn't like that.	09:30:51
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1	Q. And you said, "it depends." What projects	09:30:52
2	are you involved with the day-to-day engineering?	09:30:54
3	A. I'm not involved in the day-to-day	09:30:57
4	engineering of any project, but on a particular day, I	09:30:59
5	may be involved in engineering aspects of the project.	09:31:02
6	But it isn't it isn't the thing that I get to do as	09:31:05
7	much as I would like.	09:31:09
8	Q. Sometimes you have to make sure that the	09:31:10
9	right number of showers in the bathroom, for example?	09:31:13
10	A. That's a thing, for real.	09:31:15
11	Q. For the bike commuters?	09:31:18
12	A. Yep. It's actually a law.	09:31:19
13	Q. Let's go back to topic number 9.	09:31:23
14	And before we do that, I want to go to topic	09:31:28
15	number 10. What did you do for topic to prepare to	09:31:31
16	testify on behalf of the company for topic number 10?	09:31:35
17	A. Okay. I had a phone call with	
	who is our head of product.	09:31:46
19	Q. How do you spell his last name?	09:31:51
20	Α.	09:31:52
21	I also spoke with, who is our	09:31:58
22	head of hardware.	09:32:04
23	Q. Anything else?	09:32:12
24	A. No.	09:32:13
25	Q. What did Mr.	09:32:14
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1	A	09:32:18
2	Q what did you and he speak	09:32:19
3	about?	09:32:22
4	A.	
		09:32:27
6	Q. Anything else?	09:32:29
7	A. We talked about some particulars of my lack	09:32:37
8	of chief of staff and the importance of me hiring one.	09:32:43
9	He and I work together on many things that	09:32:50
10	revolve around building the best team dynamic we can.	09:32:56
11	So my direct team, which he is a part of	09:32:59
12	is a part of the kind of chemistry and synergy	09:33:06
13	between that team is very important because that's my	09:33:12
14	entire front. That's my front end of the organization.	09:33:15
15	So they touch the next ten people, and so that's where	09:33:18
16	the force multiplication occurs.	09:33:22
17	So how we perform as a team, as a directs	09:33:25
18	team, is really important, so we spend a lot of time on	09:33:28
19	that. So we talked about that as well.	09:33:31
20	Q. In preparation to testify on behalf of the	09:33:33
21	company	09:33:35
22	A. No.	09:33:35
23	Q with regard to the topic?	09:33:36
24	A. I'm sorry.	09:33:37
25	Q. Yeah. So let me focus you a little bit more.	09:33:38
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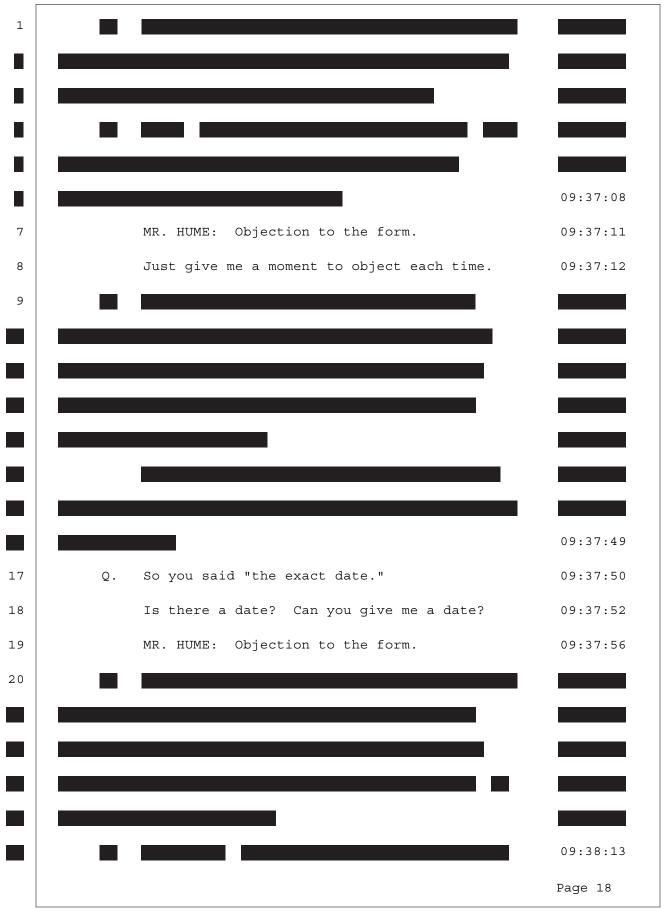
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1	My question was: What did you and Mr.	09:33:40
2	about in preparation to testify on topic number 10 on	09:33:44
3	behalf of Uber and Ottomotto?	09:33:49
4	A. So we talked about the fact that so our	09:33:50
5	end goal is to have autonomous ride sharing that has no	09:33:54
6	vehicle operator, and we call that NVO. And throughout	09:33:59
7	today I'll probably refer to "NVO," and that's no	09:34:02
8	vehicle operator. So that means a vehicle is	09:34:05
9	completely autonomous and it doesn't have a supervisor	09:34:09
10	sitting in the passenger's seat or the driver's seat.	09:34:12
11	Q. What's the difference between NVO and NSD?	09:34:15
12	A. It's semantics. It's the same thing. NSD	09:34:20
13	stood for no safety driver. And then, as we learned	09:34:23
14	more about the nature of the product we were building,	09:34:29
15	we changed it from NSD to NVO	
		09:34:39
17	We changed it to vehicle operator, and it became NVO.	09:34:43
18	NVO is a very, very tall mountain, and it's a	09:34:47
19	mountain that no one has ever climbed before. And for	09:34:53
20	us to climb that mountain and go and look at it, it's	09:34:58
21	overwhelming. So what we have to do is build base	09:35:02
22	camps as we go up this mountain. These base camps are	09:35:06
23	things that we use to describe to the team that are	09:35:10
24	motivational and their digestible; they're bits that	09:35:12
25	they can understand how to get to. It takes away some	09:35:16
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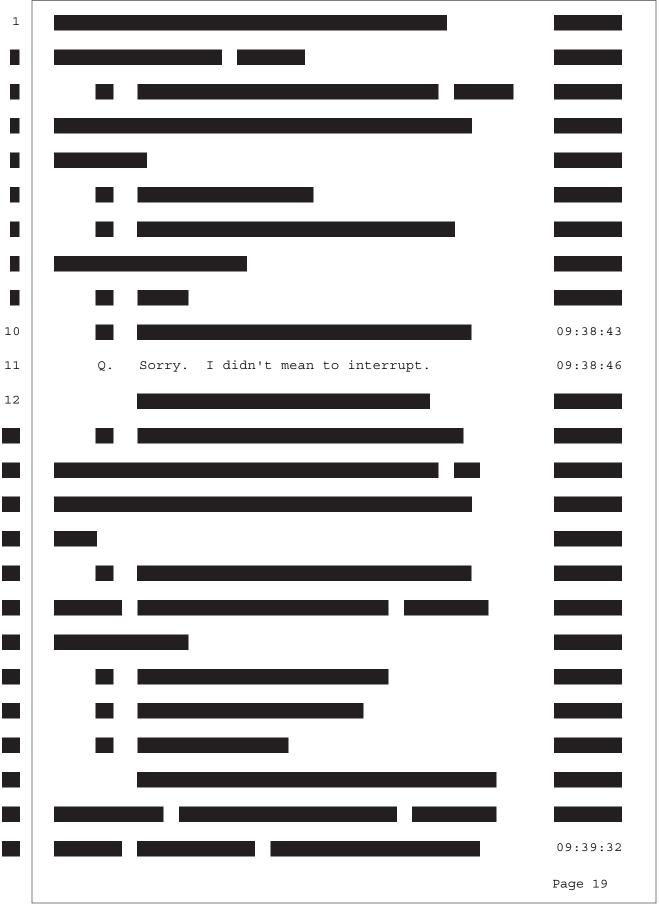
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1	of the overwhelming feeling of what we're doing.	09:35:20
2	The vision to the top of that mountain is my	09:35:22
3	responsibility and my leads' responsibilities, and	09:35:25
4	deriving the location or descriptions of these base	09:35:27
5	camps are what and I work on. And that's	09:35:32
6	what we discussed yesterday. We discussed that we	09:35:36
7	don't have the base camps resolved as well as we need	09:35:38
8	to and that our understandings of this journey change	09:35:41
9	every month, and we have to be adaptable.	09:35:44
10	Q. When is Uber planning to commercialize the	09:35:48
11	autonomous vehicles?	09:35:52
12		
		09:36:28
23		
		09:36:36
25	MR. HUME: Objection to the form.	09:36:38
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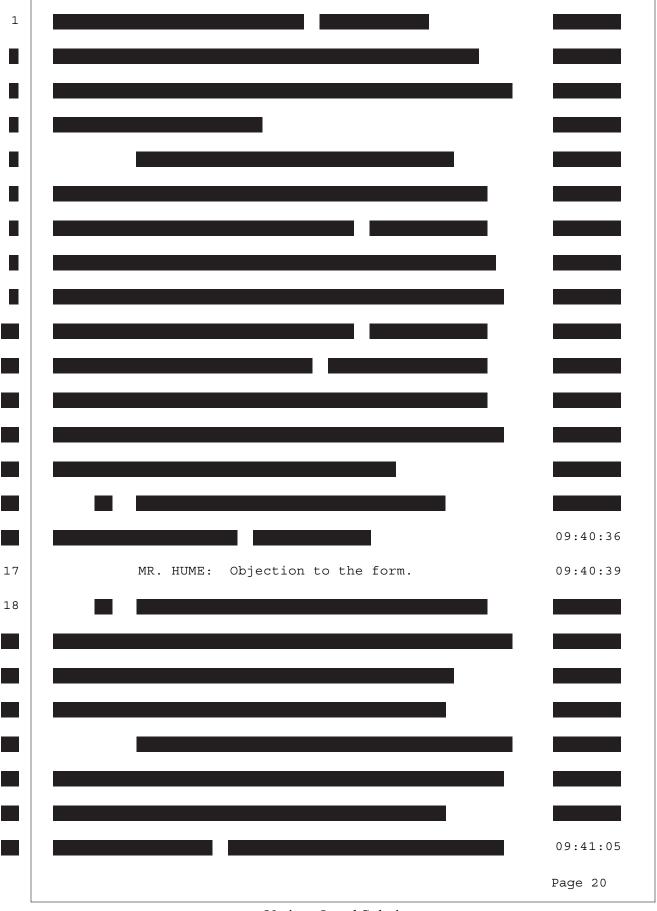
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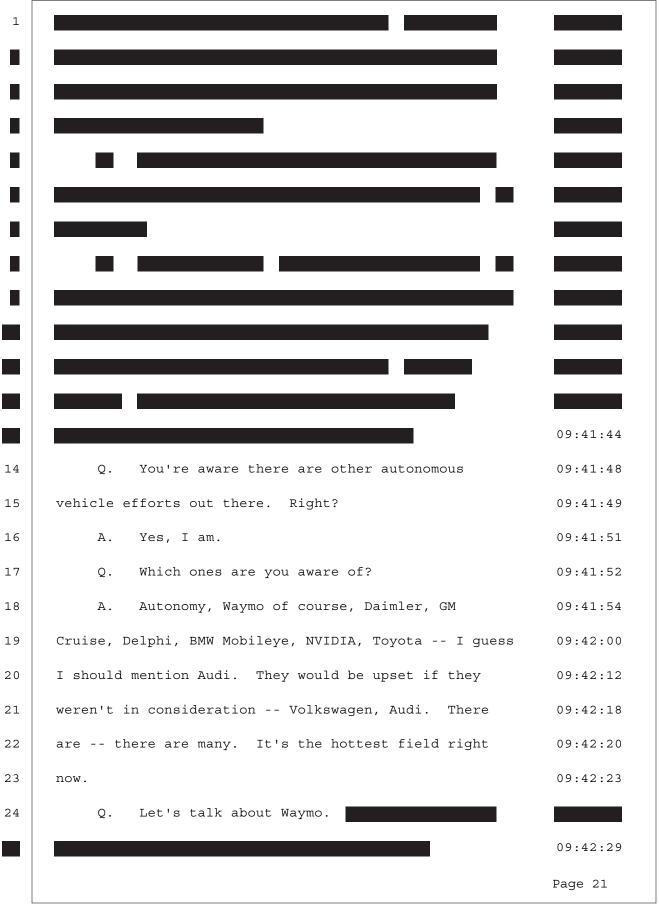
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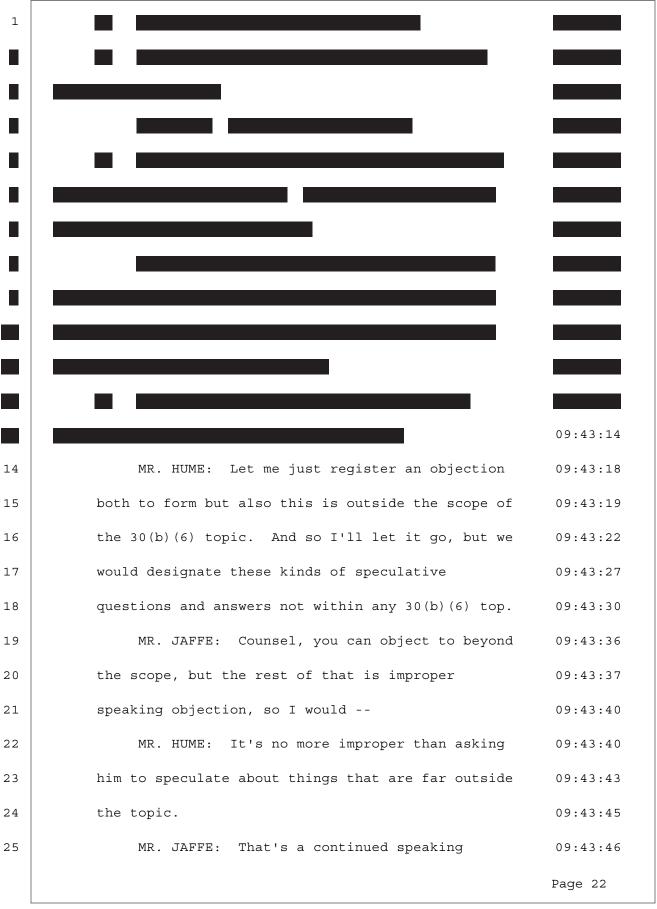
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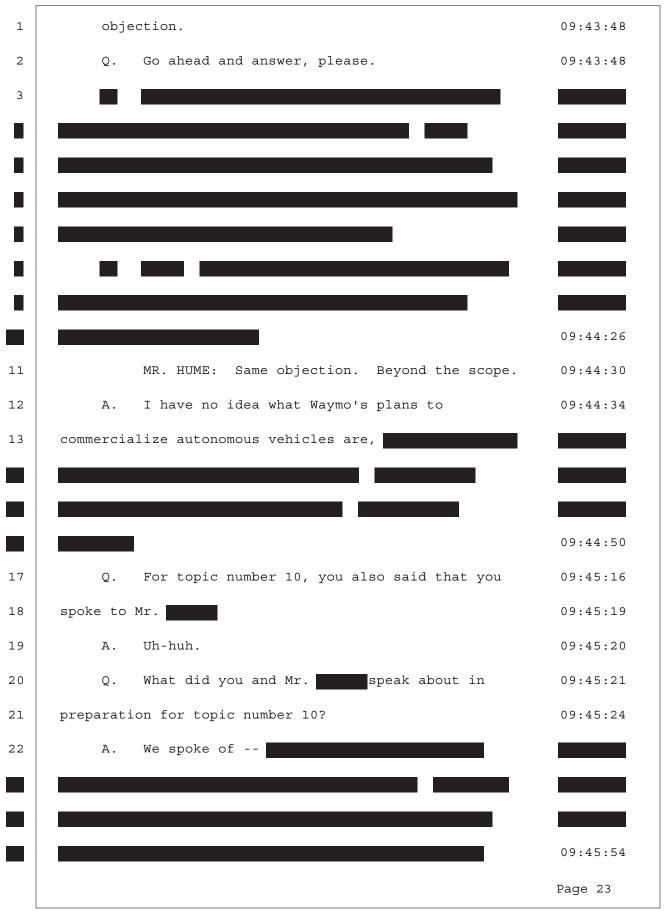
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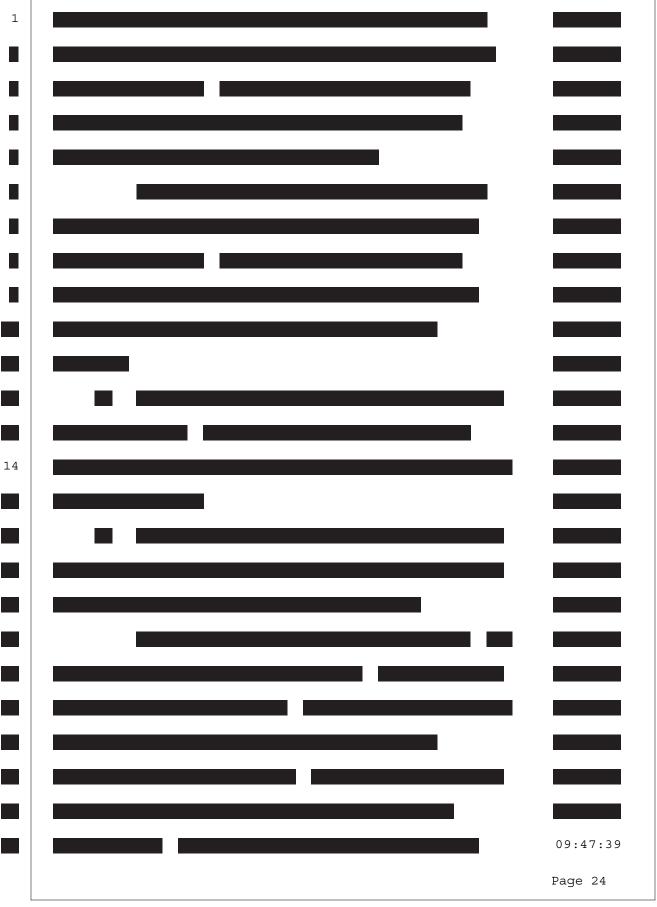
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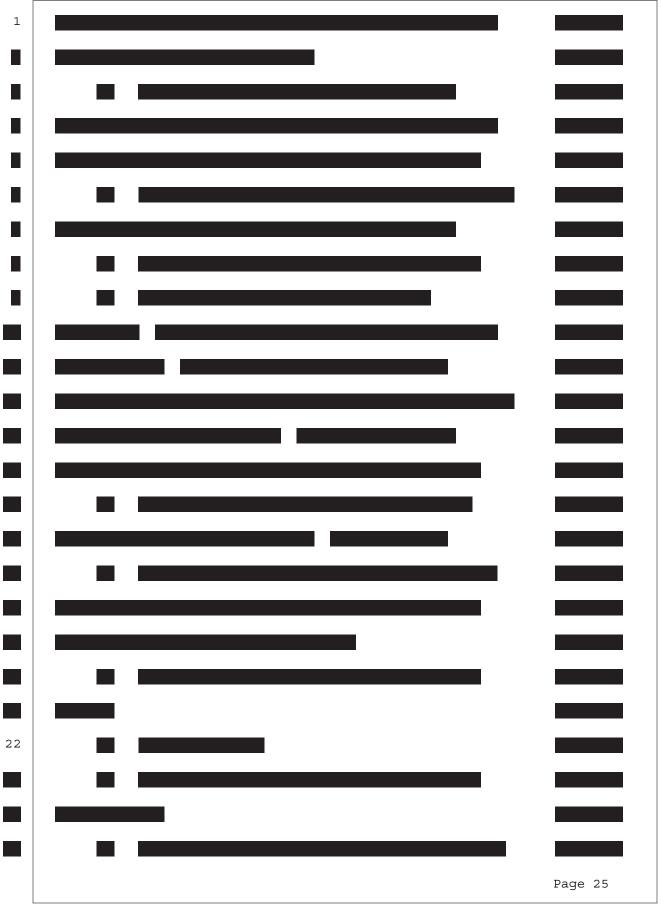
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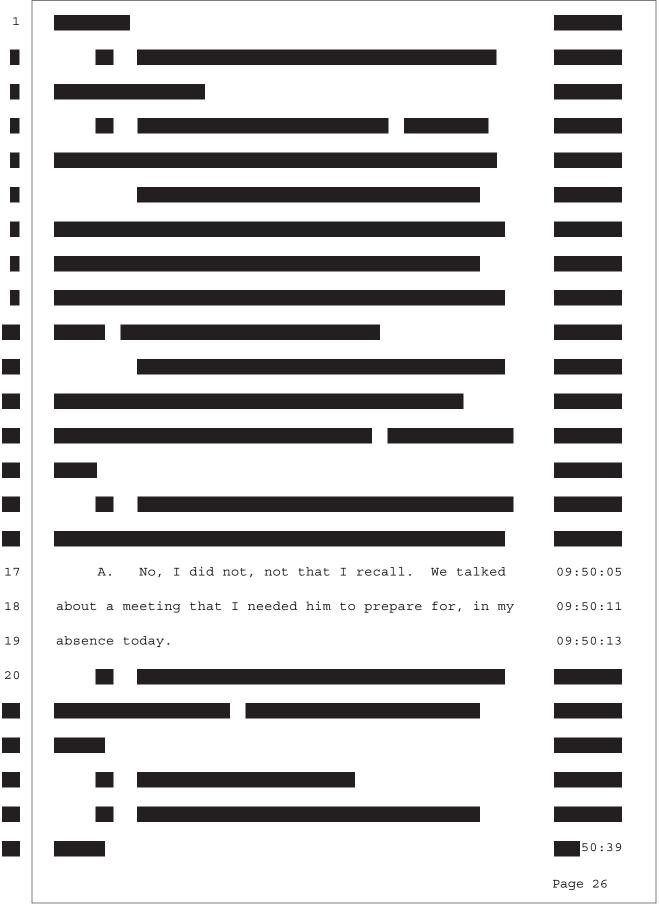
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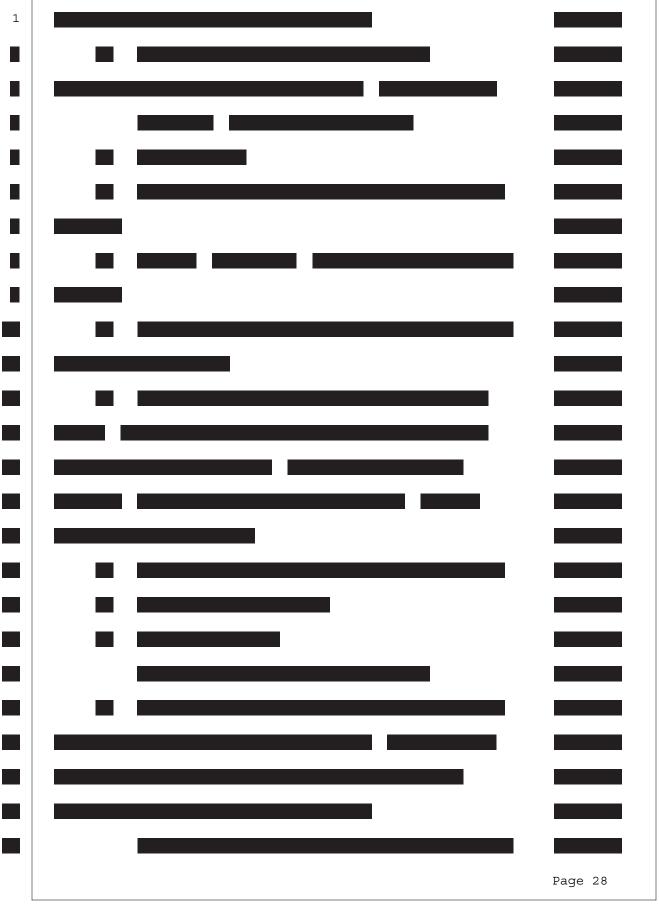
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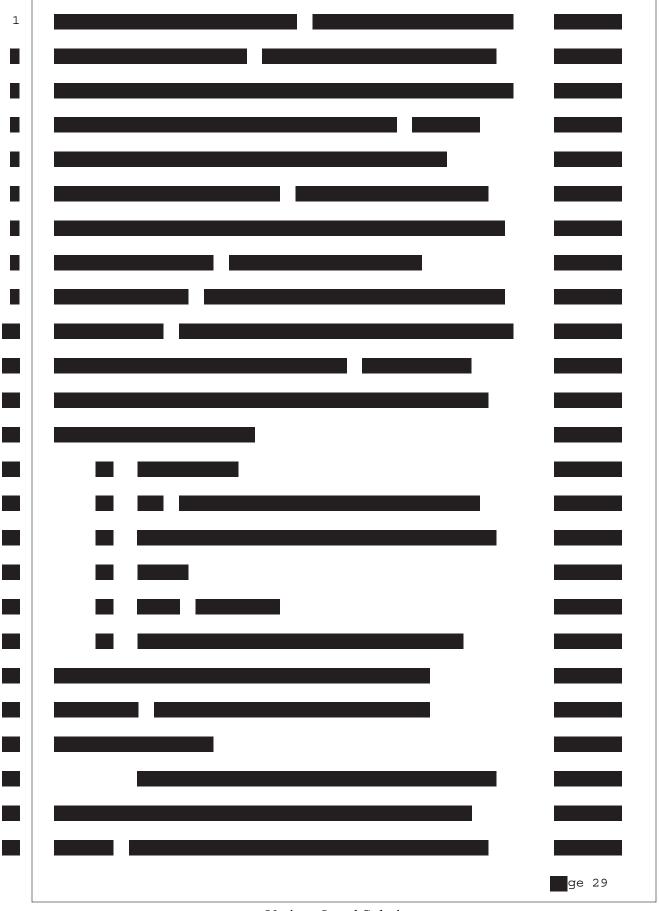
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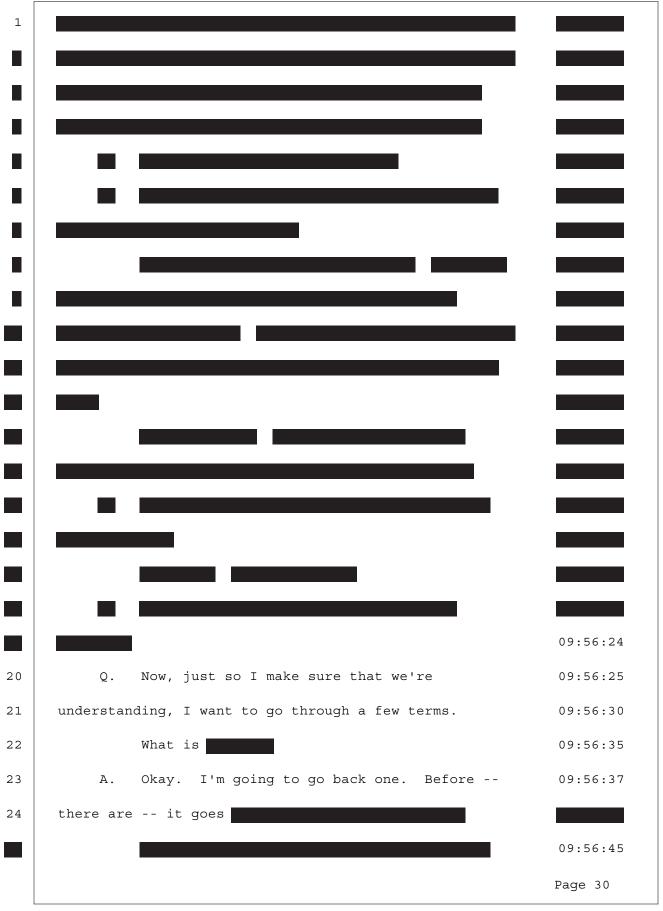
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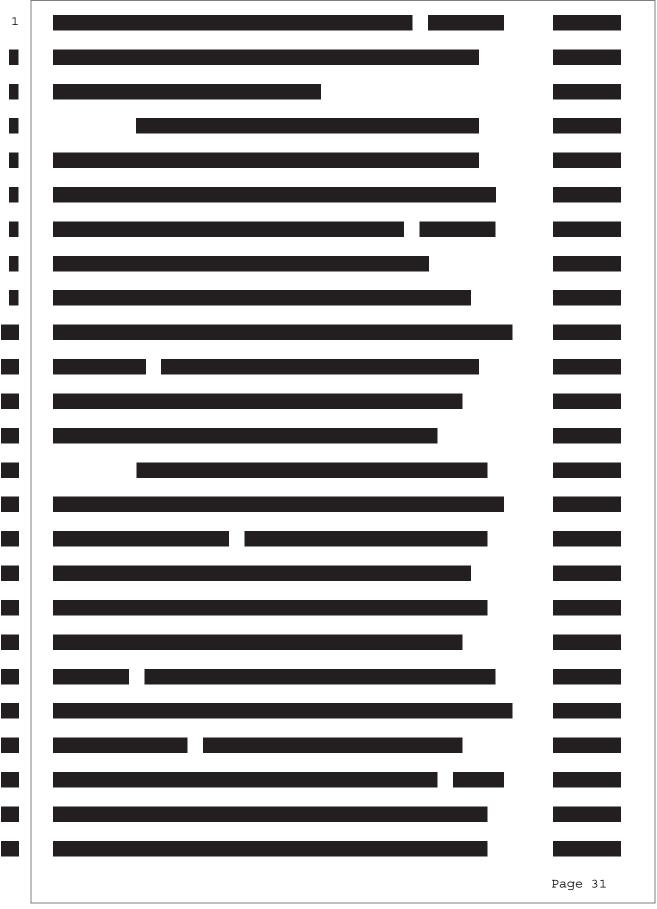
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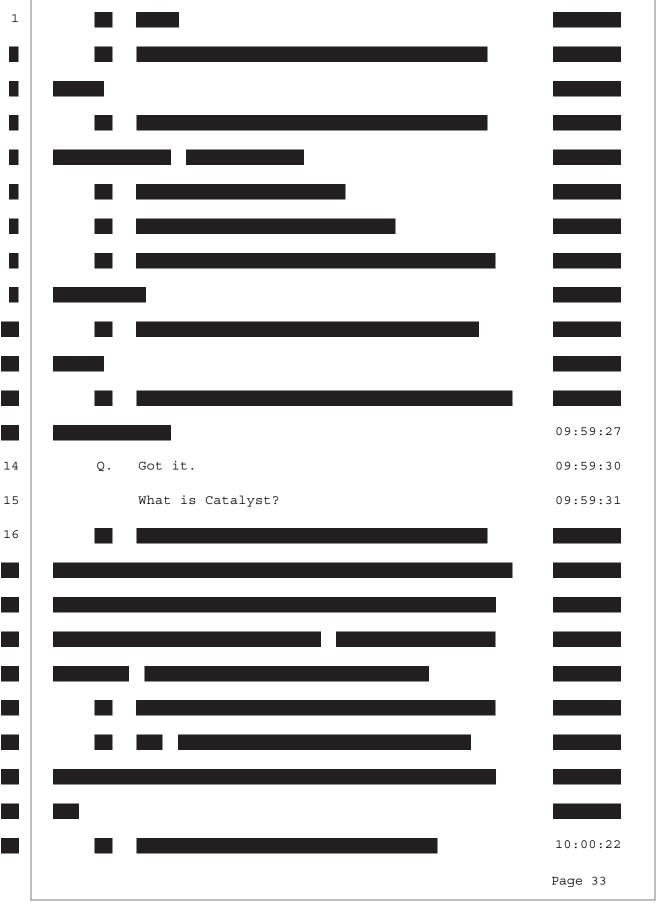
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1		
		09:58:27
5	MR. HUME: Can you Jordon, you've done	09:58:30
6	this a couple times now. Can you let him finish	09:58:30
7	his answer.	09:58:31
8	MR. JAFFE: He's speaking for a page and a	09:58:32
9	half to a simple question here.	09:58:33
10	MR. HUME: No. He's give you very	09:58:35
11	comprehensive, direct answers, and you're	09:58:37
12	interrupting him inappropriately. Please let him	09:58:39
13	finish.	09:58:41
14	MR. JAFFE: I disagree.	09:58:44
15	Q. Go ahead.	09:58:44
16	A. I can be shorter.	09:58:44
17	Q. I'm just trying to get through a lot of	09:58:46
18	topics, so	09:58:48
19		
		09:58:57
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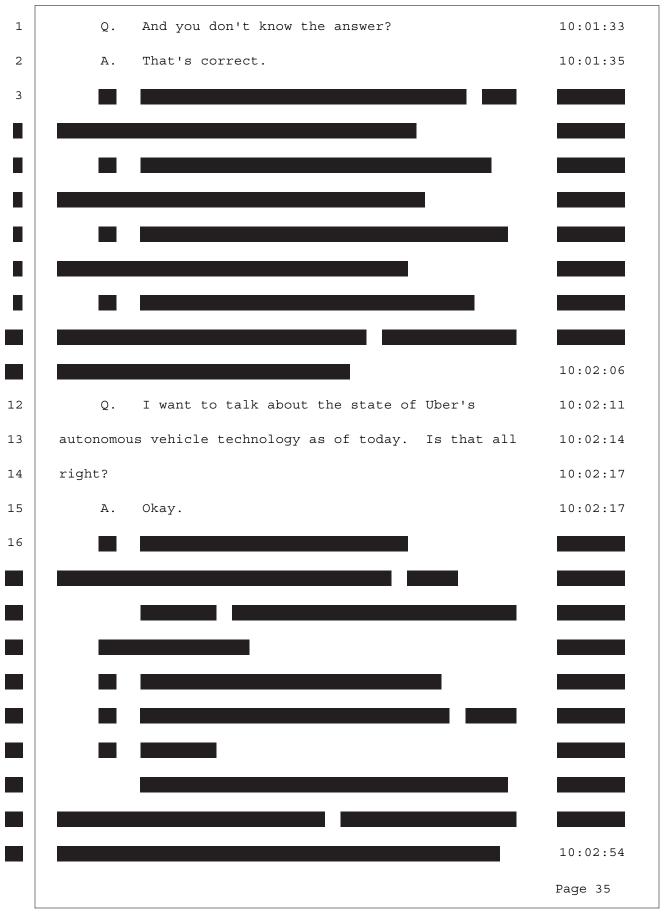
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1		
		10:00:29
3	MR. HUME: Object to the form and possibly	10:00:35
4 0	outside the scope.	10:00:37
5	Is this within the scope of topic 10?	10:00:40
6 0	. Go ahead.	10:00:42
7	MR. HUME: I'm going to object as outside the	10:00:43
8 s	cope.	10:00:44
9	. Can you repeat it.	10:00:45
10		
• •		
•		
		10:01:28
0.5	I've researched that question for 30 months.	10:01:30
25 <i>P</i>		

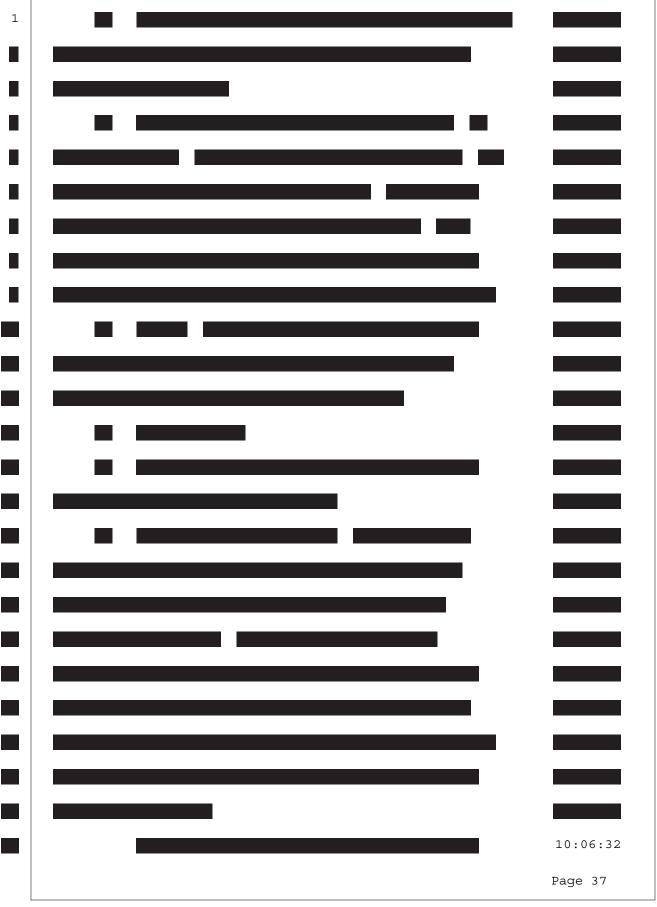
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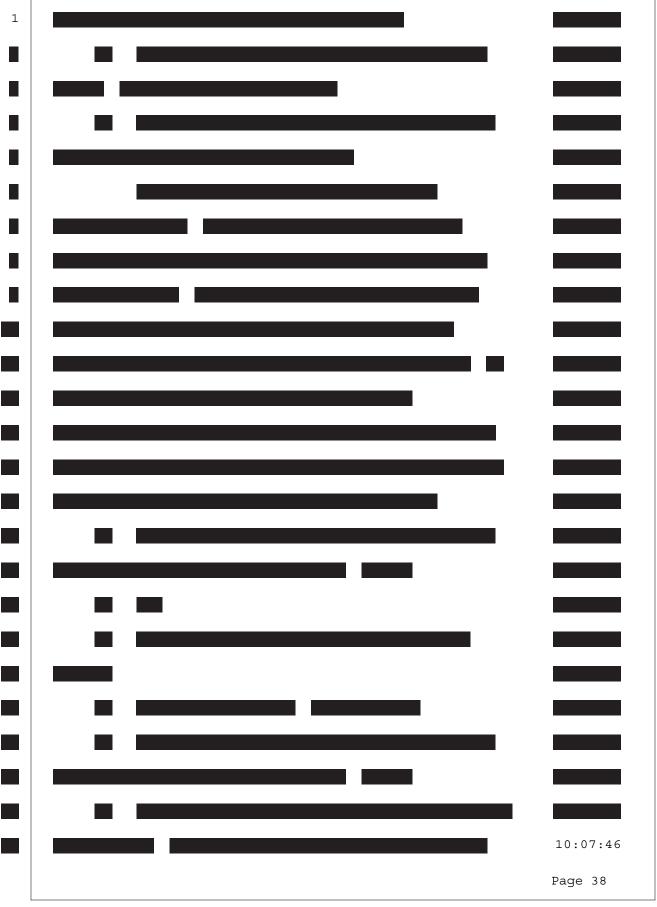
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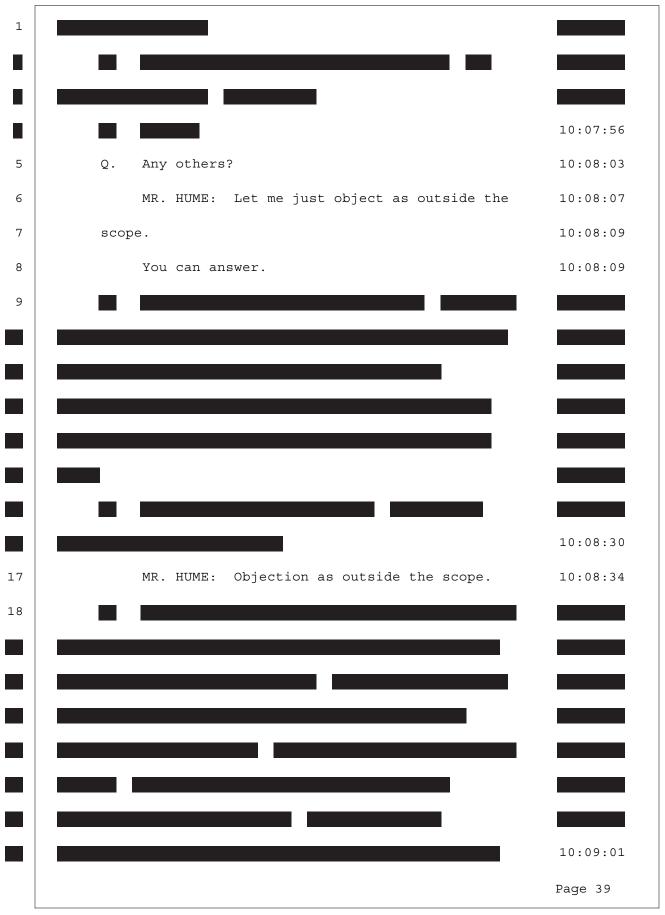
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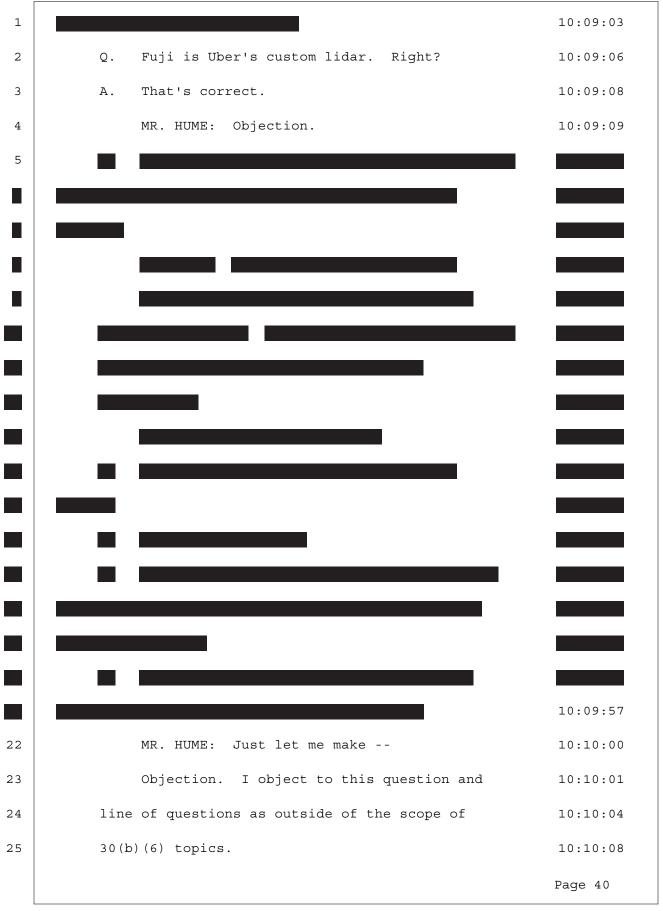
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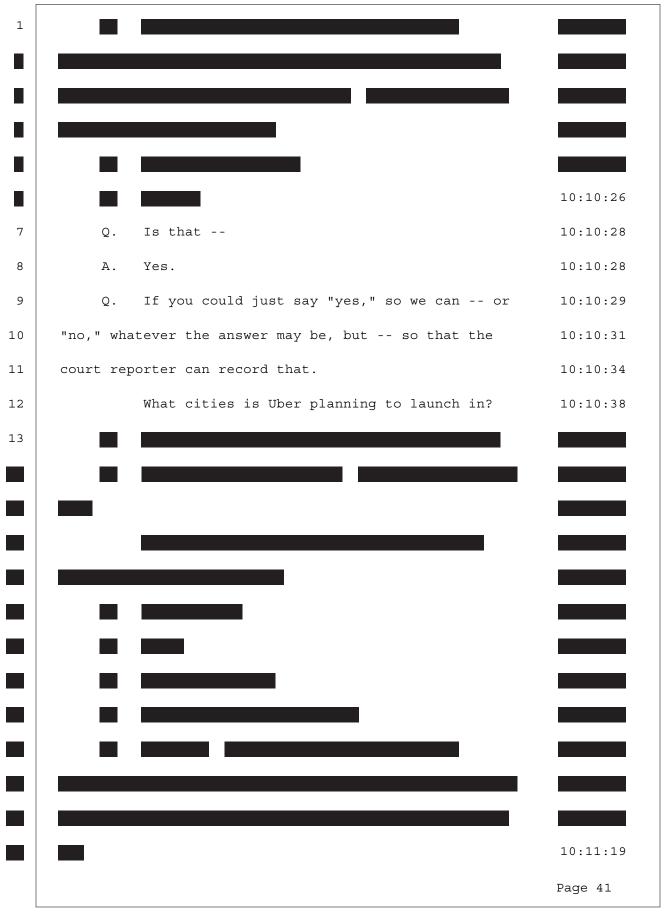
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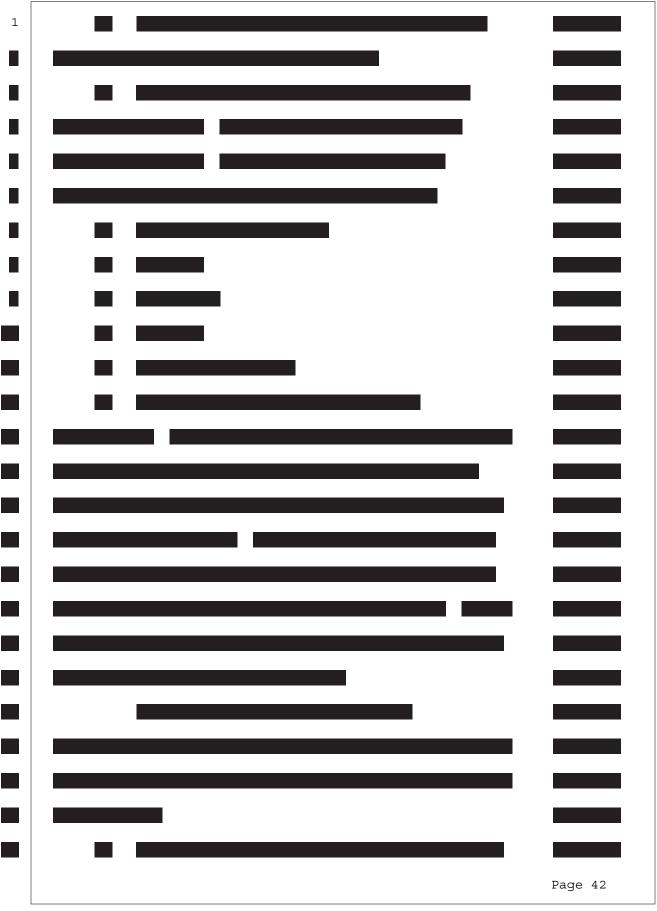
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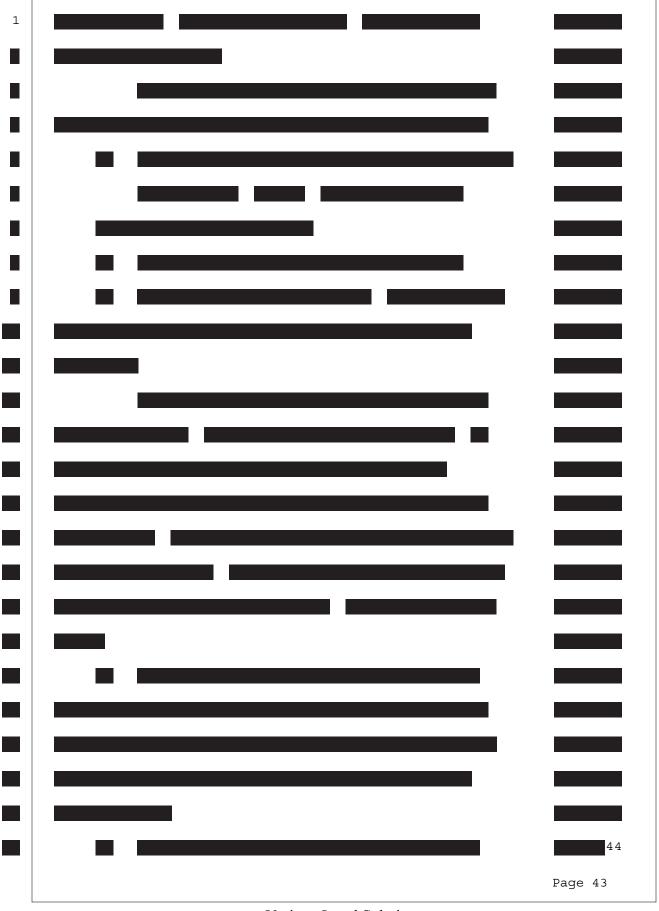
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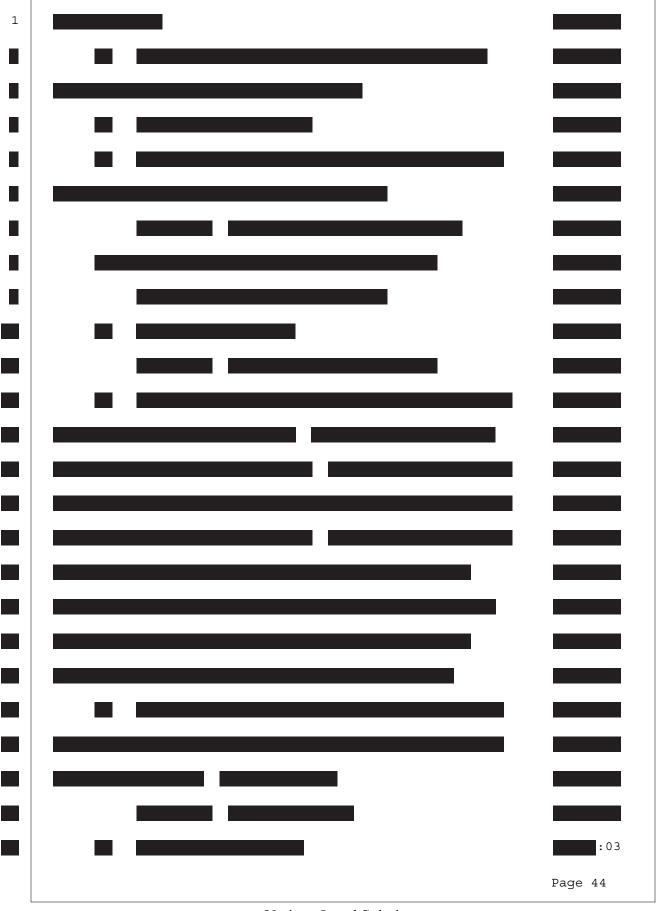
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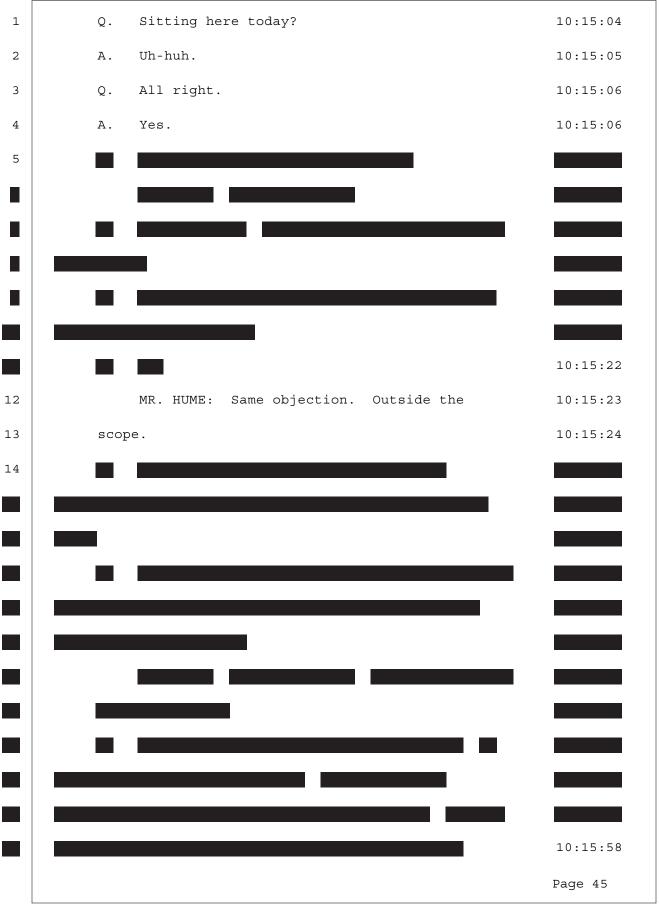
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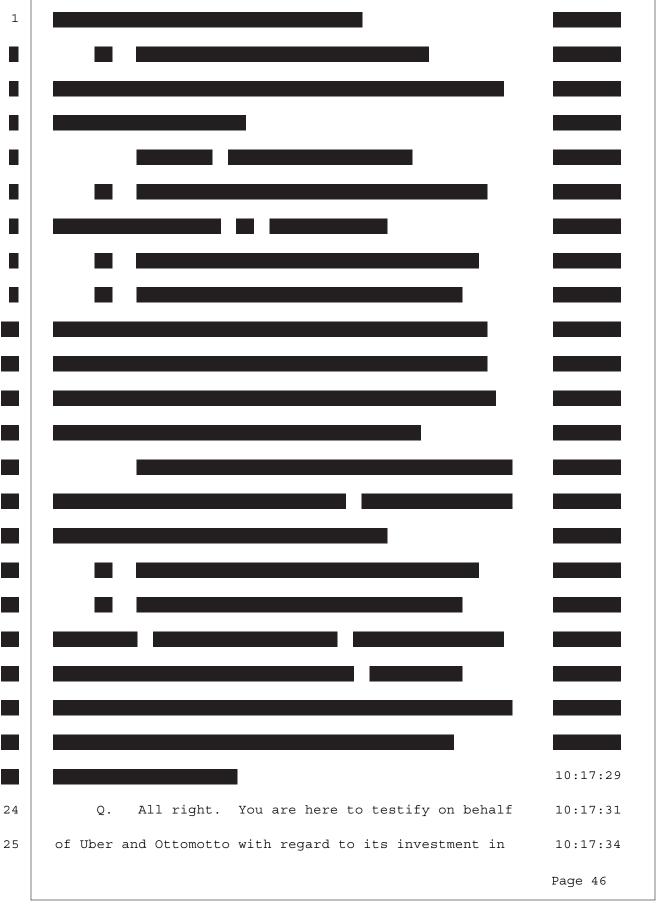
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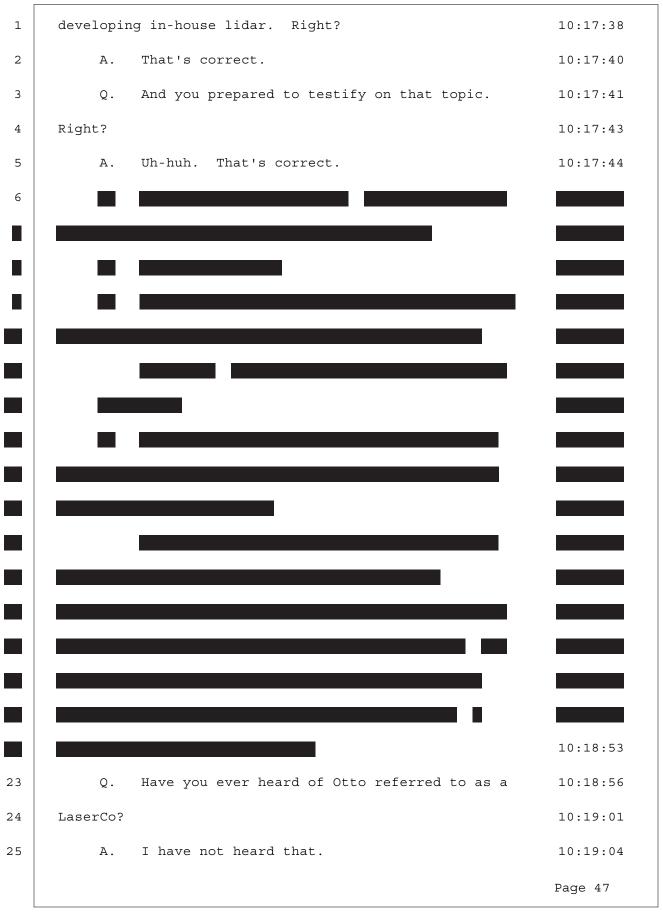
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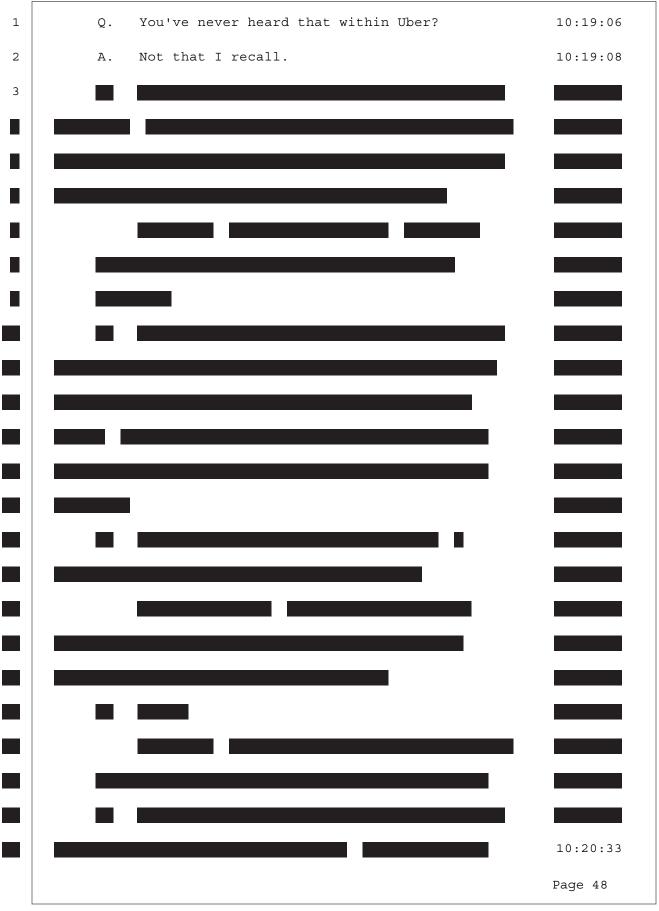
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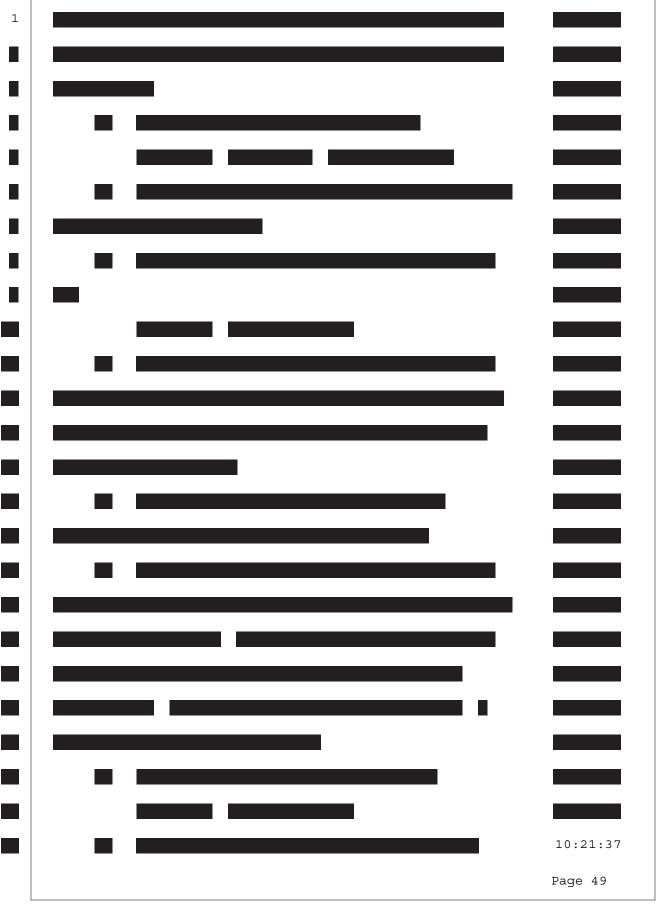
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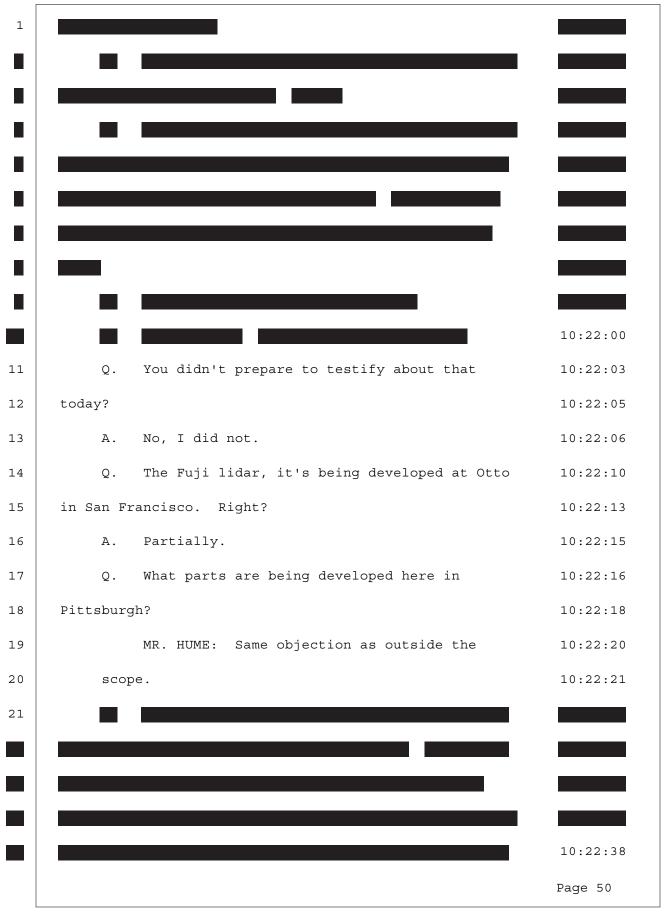
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1		
_		
		10:22:55
5	Q. You said the mechanical engineering is	10:23:05
6	overseen through Pittsburgh. Who oversees that	10:23:07
7	mechanical engineering?	10:23:09
8		10:23:11
9	MR. HUME: We've been going for an hour. Are	10:23:17
10	we going to take a break sometime soon?	10:23:19
11	MR. JAFFE: Sure. Let me just finish a	10:23:21
12	couple quick questions here.	10:23:23
13	Q. How many people does Uber have working on	10:23:24
14	lidar development today?	10:23:27
15	A. Oh, quite a few. I would say approximately	10:23:29
16	at some capacity.	10:23:50
17		
_		10:24:08
23	MR. HUME: Objection to the form.	10:24:10
24	If you'll identify the document you're	10:24:18
25	looking at, we can give it to counsel.	10:24:20
		Page 51

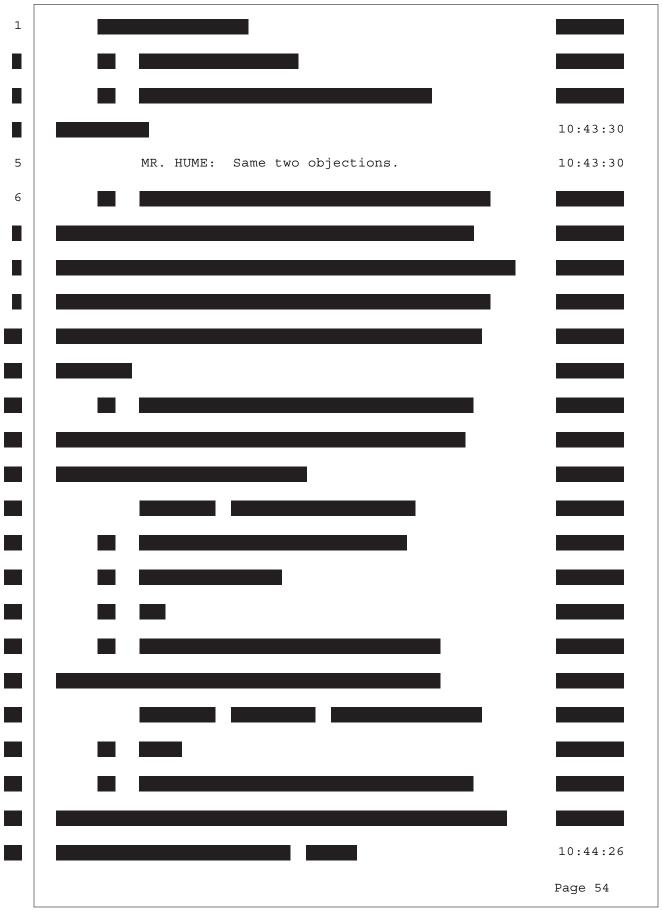
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1	THE WITNESS: I don't know how to title this	10:24:24
2	document. It's	10:24:26
3	MR. HUME: That's because it's got a long	10:24:29
4	lawyer name on top of it.	10:24:31
5	A. Do you know what this is?	10:24:33
6	Q. These are Defendants Uber Technology, Inc.	10:24:36
7	and Ottomotto, LLC's second supplemental responses to	10:24:40
8	Waymo's first set of common interrogatories.	10:24:44
9	MR. HUME: There's a copy.	10:24:47
10		
		10:25:12
15	Q. So I appreciate you pointing at Uber's	10:25:12
16	interrogatory responses.	10:25:15
17	Let me ask you a more pointed question, which	10:25:18
18	is: So other than pointing at Uber's interrogatory	10:25:20
19	responses, which were prepared by Uber's lawyers, can	10:25:23
20	you tell me, sitting here today, what percentage of the	10:25:26
21	people working on lidar development came from the Otto	10:25:32
22	acquisition?	10:25:35
23	MR. HUME: Objection to the form and	10:25:37
24	objection as outside the scope.	10:25:38
25		10:25:39
		Page 52

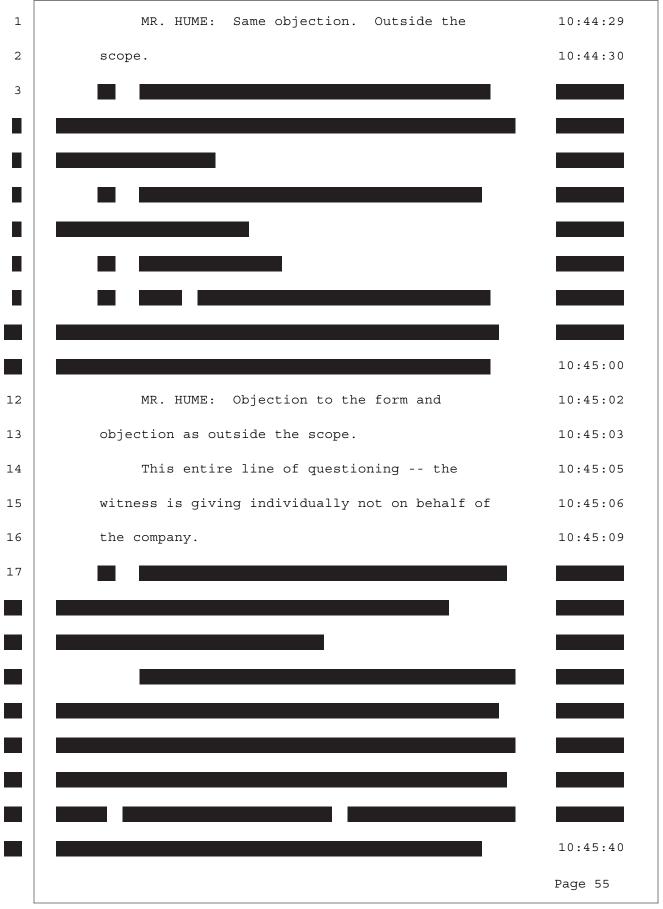
Case 3:17-cv-00939-WHA Document 1374-5 Filed 08/26/17 Page 47 of 189 HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	MD TABBE All wight We can take our finet	10.05.46
1	MR. JAFFE: All right. We can take our first	
2	break.	10:25:47
3	THE VIDEOGRAPHER: This ends media number 1.	10:25:48
4	Going off the record, the time is 10:25 a.m.	10:25:50
5	(Recess taken.)	10:42:10
6	THE VIDEOGRAPHER: This begins media	10:42:25
7	number 2. Going on the record, the time is	10:42:26
8	10:42 a.m.	10:42:29
9	BY MR. JAFFE:	10:42:31
10		
		10:43:21
25	MR. HUME: Objection to form. Objection as	10:43:23
		Page 53

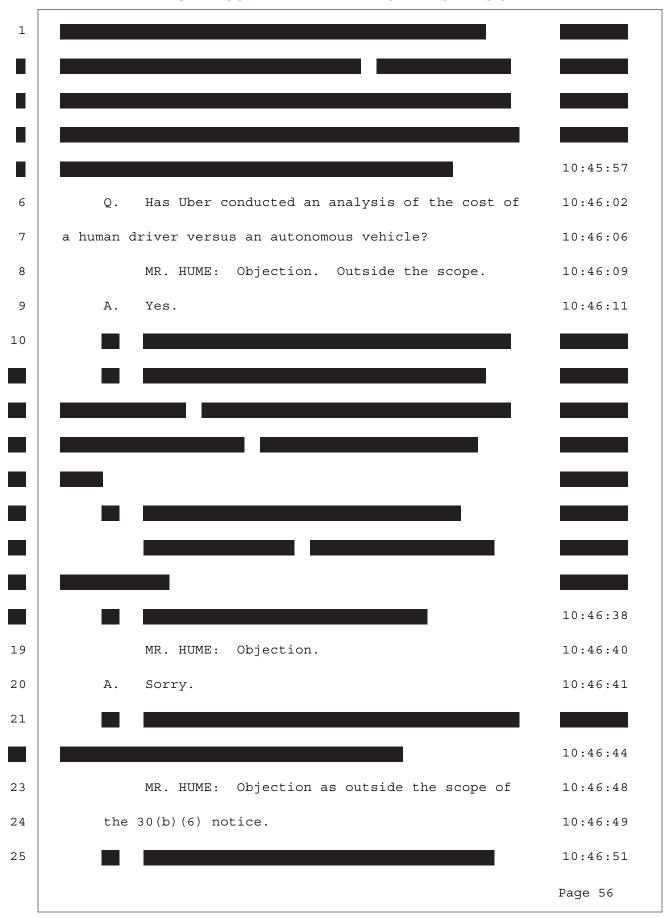
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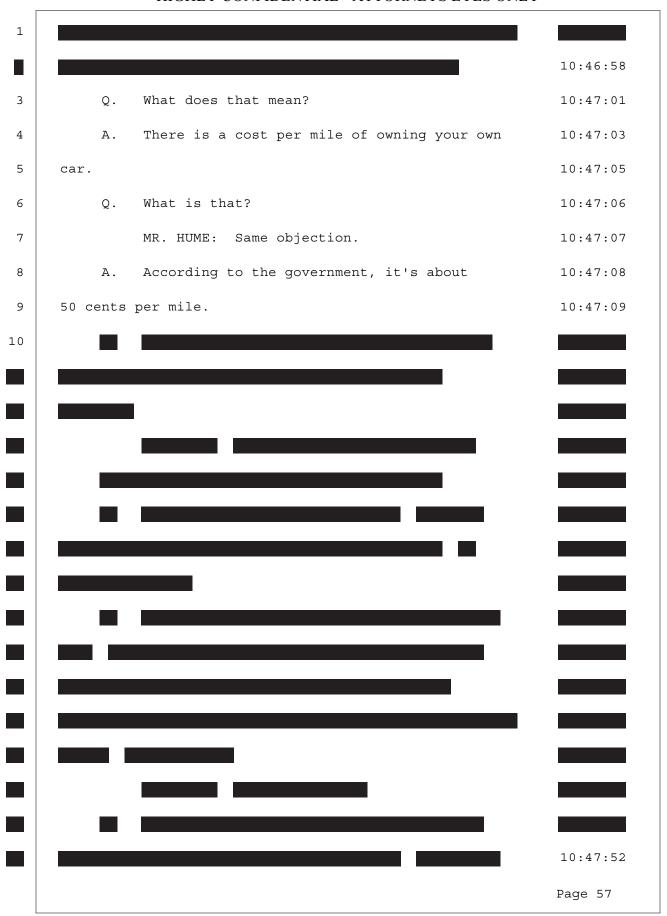
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1		10:47:55
2	Q. What are the estimates?	10:47:57
3	MR. HUME: Same objections.	10:47:59
4	A. Well, we don't we have goals. We have to	10:48:03
5	make these goals. It's not what we think it's going to	10:48:06
6	cost. It's what it needs to cost.	10:48:10
7		
		10:48:39
19	Q. Does Waymo present an existential threat to	10:48:42
20	Uber?	10:48:47
21	MR. HUME: Objection to the question as	10:48:47
22	outside the scope of the 30(b)(6) notice, and I	10:48:48
23	also object to the form. It calls for	10:48:52
24	speculation.	10:48:54
25	A. I don't understand in what context that is	10:48:55
		Page 58

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1	meant. But I don't know how Waymo I don't think	10:48:57
2	Waymo makes any money, so I don't know how that poses a	10:49:01
3	threat.	10:49:04
4	I believe that there are hypotheticals that	10:49:04
5	you could run, if Waymo does this and if this goes this	10:49:08
6	way for them, that could be a threat, but I don't know	10:49:12
7	that those things will occur. Ruth might decide she	10:49:14
8	doesn't want to do a robot car anymore tomorrow.	10:49:21
9	Q. Just when you refer to "robot car," what	10:49:25
10	are you referring to?	10:49:28
11	A. I'm sorry. Autonomous cars.	10:49:29
12	Q. And you said "Ruth." who are you referring to	10:49:30
13	as "Ruth"?	10:49:32
14	A. Ruth	10:49:34
15	MR. HUME: Same objection.	10:49:35
16	A the CEO of Uber I'm sorry of Google.	10:49:35
17		
		10:50:02
22	MR. HUME: Objection as outside the scope.	10:50:03
23	And object to the form. It's mischaracterizing	10:50:04
24	prior testimony.	10:50:09
25		10:50:10
		Page 59

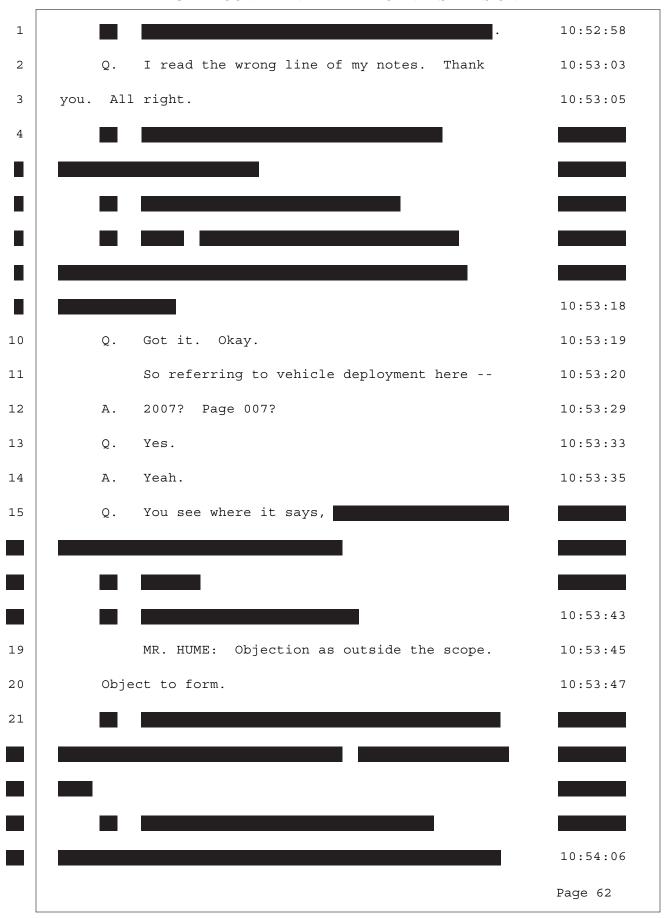
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1		
		10:50:28
5	MR. JAFFE: Why don't we actually mark,	10:50:40
6	before we keep going, the document that you	10:50:41
7	referred to, which is Uber's response second	10:50:44
8	supplemental responses. Why don't we mark that	10:50:48
9	as	10:50:51
10	THE WITNESS: Which topic?	10:50:52
11	MR. JAFFE: Exhibit 878.	10:50:53
12	This document that you referred to before,	10:50:55
13	that you handed me from your file.	10:50:56
14	THE WITNESS: This guy?	10:50:59
15	MR. JAFFE: Yeah.	10:51:01
16	(Whereupon, Deposition Exhibit 878 was marked	10:51:01
17	for identification.)	10:51:01
18	MR. JAFFE: I'm going to mark as	10:51:11
19	Exhibit 879 a document entitled	
	Bates-labeled UBER232001.	10:51:18
21	(Whereupon, Deposition Exhibit 879 was marked	10:51:33
22	for identification.)	10:51:33
23	Q. Mr. Meyhofer, have you seen the document that	10:51:36
24	I've placed in front of you before?	10:51:38
25	A. I don't recall seeing this document.	10:51:45
		Page 60

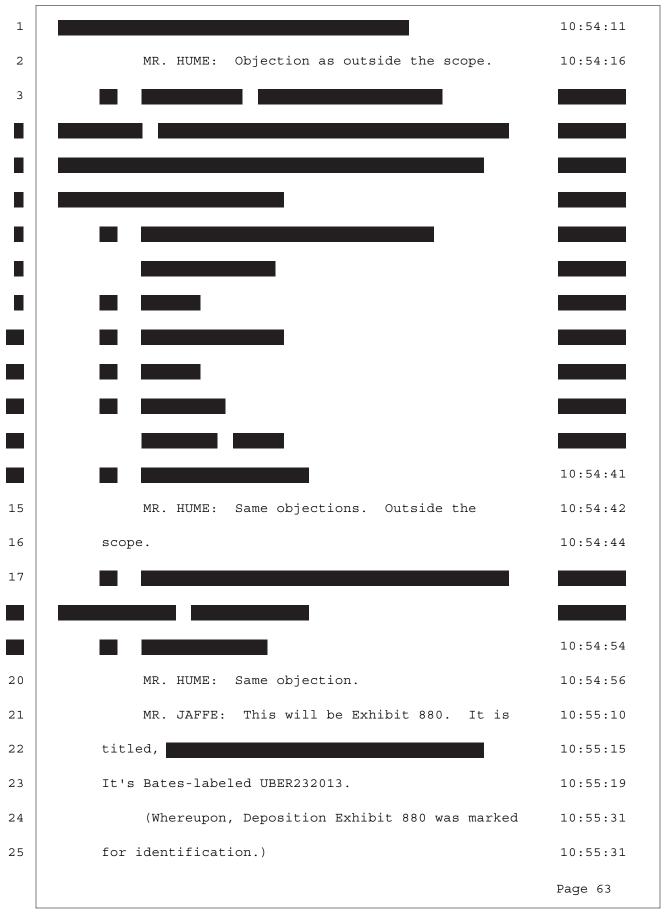
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1	Q. You didn't review this document in	10:51:47
2	preparation for your testimony today on behalf of the	10:51:49
3	company, did you?	10:51:52
4	A. No, I didn't. You just handed it to me.	10:51:52
5	Q. Okay. All right. So let's go to page 7.	10:51:56
6	A. Uh-huh.	10:52:03
7	Q. I'm going to refer to the numbers starting	10:52:10
8	on the bottom right-hand corner. We lawyers refer to	10:52:13
9	those as Bates numbers.	10:52:17
10	A. The 2007 number?	10:52:18
11	Q. That's right.	10:52:21
12	A. Got it.	10:52:22
13	Q. Just for your benefit, they're to give unique	10:52:22
14	identifiers for each page that's produced in	10:52:25
15	litigation.	10:52:28
16	I'm going to refer to the one ending in 007.	10:52:28
17	A. Thank you. Uh-huh.	10:52:33
18		
		10:52:40
20	A. Uh-huh.	10:52:40
21		
		10:52:56
		Page 61

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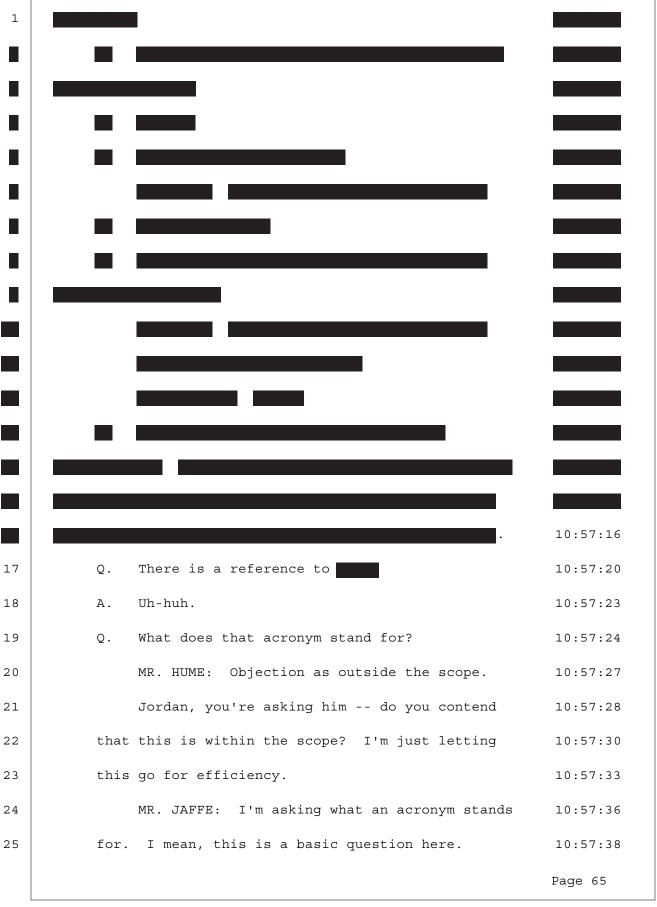
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1	Q. Mr. Meyhofer, have you seen Exhibit 880	10:55:40
2	before?	10:55:44
3	A. You just handed it to me.	10:55:45
4	Q. Right. Before I handed it to you, have you	10:55:47
5	seen Exhibit 880 before?	10:55:49
6	A. I don't recall seeing this document before.	10:55:57
7	Q. And have you so it's fair to say, then,	10:56:00
8	you didn't review Exhibit 880 in preparation to testify	10:56:02
9	on behalf of the company today?	10:56:05
10	A. It's fair to say that.	10:56:07
11	Q. Okay. If you can go to the second page	10:56:08
12	A. 14?	10:56:17
13	Q. Correct.	10:56:18
14	Do you see there's a the first bullet	10:56:20
15	point says,	
		10:56:28
17	Do you see that?	10:56:29
18	A. Uh-huh.	10:56:29
19		
		10:56:33
21	MR. HUME: Objection as outside the scope of	10:56:36
22	the notice.	10:56:38
23		
		10:56:43
		Page 64

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1	MR. HUME: I understand that. But if this is	10:57:42
2	a ploy to try to later say that this is corporate	10:57:43
3	testimony when it's outside the scope, we object	10:57:46
4	to that.	10:57:48
5	MR. JAFFE: I'm not you can make your	10:57:49
6	objections. I'm not going to debate that with	10:57:49
7	you.	10:57:51
8	Q. Go ahead.	10:57:52
9		
		10:58:03
14	MR. HUME: Objection as outside the scope.	10:58:04
15		
		10:58:21
19	MR. HUME: So Jordan, let me make my	10:58:26
20	objection clear, because you guys have stopped	10:58:27
21	depositions, taken a witness outside of a room,	10:58:29
22	and redirected an entire deposition based on this.	10:58:31
23	What you've just done, asking an acronym on	10:58:34
24	the document not within the scope of the topic, is	10:58:36
25	classic personal deposition testimony. You're	10:58:39
		Page 66

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1	going to have an opportunity to do that after the	10:58:42
2	30(b)(6).	10:58:44
3	I'm letting these questions go for	10:58:45
4	efficiency's sake. But unless you can make a	10:58:46
5	showing at some point that what you're doing is	10:58:49
6	within the topic, we're going to I'm going to	10:58:51
7	make this objection more forcefully as we go	10:58:54
8	because I don't understand why you're doing it.	10:58:57
9	MR. JAFFE: The speaking objections are	10:58:59
10	completely improper. This is	10:59:00
11	MR. HUME: This is exactly what you did	10:59:01
12	MR. JAFFE: Can you please let me finish.	10:59:02
13	MR. HUME: This is exactly what you did at	10:59:04
14	the Brown deposition, which you stopped and you	10:59:04
15	took the witness out of the room.	10:59:06
16	MR. JAFFE: Okay. If you'd let me finish,	10:59:07
17	this is talking about accelerating purchase of	10:59:08
18	lidar units. That's literally what this bullet	10:59:11
19	says. Topic number 9 is investment into	10:59:13
20	developing in-house lidar.	10:59:18
21	If you're going to argue that this is outside	10:59:20
22	the scope, make your objection, but we can take	10:59:22
23	that to the Court.	10:59:24
24	MR. HUME: It's helpful for you to make a	10:59:25
25	proffer of why it's within the scope.	10:59:27
		Page 67

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1	MR. JAFFE: I'm not going to make a proffer	10:59:28
2	for every line of questioning in the deposition.	10:59:31
3	Come on.	10:59:32
4	MR. HUME: You can make it for some if I	10:59:32
5	object.	10:59:34
6	So you're saying that this is within the	10:59:36
7	scope of topic 9?	10:59:37
8	MR. JAFFE: It's talking about the purchase	10:59:39
9	of lidar units.	10:59:41
10	MR. HUME: If that's what you're saying, then	10:59:42
11	that's what you're saying. That's fine. We've	10:59:44
12	made our objection.	10:59:46
13	BY MR. JAFFE:	10:59:47
14		
		11:00:20
		Page 68

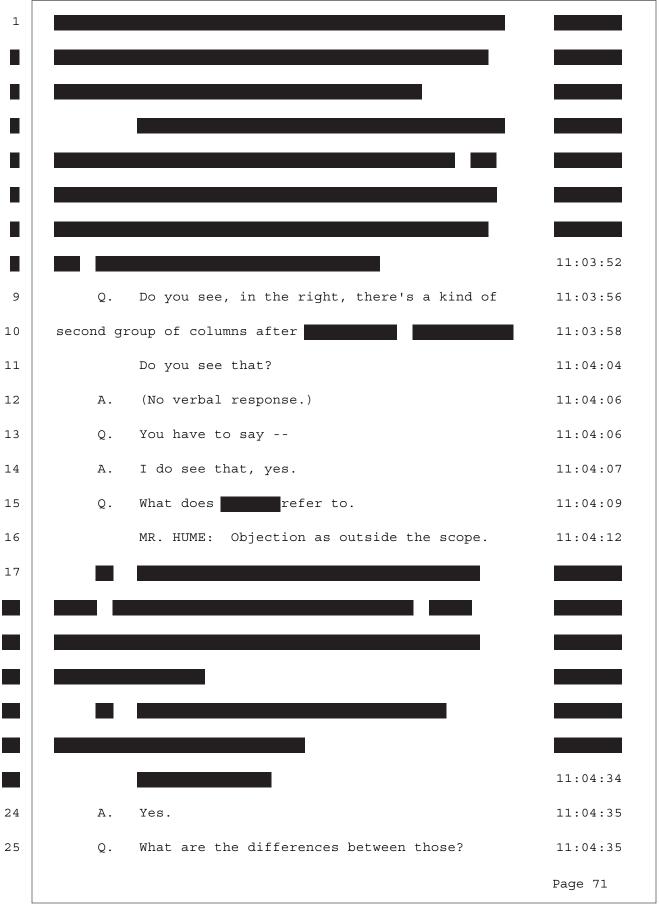
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1		
		11:00:37
8	MR. HUME: Objection. This is not a 30(b)(6)	11:00:38
9	topic. I object to it as outside the scope.	11:00:40
10	If you'd be able to say what topic you're in	11:00:43
11	each time, it's not burdensome, but it actually	11:00:45
12	would help you make a clear record.	11:00:49
13		
		11:00:54
16	MR. JAFFE: Okay. This is going to be	11:01:10
17	Exhibit 881. It was produced natively, but I'll	11:01:12
18	just mark for the record, it's UBER2322221.	11:01:22
19	(Whereupon, Deposition Exhibit 881 was marked	11:01:28
20	for identification.)	11:01:28
21	Q. Mr. Meyhofer, have you seen what I've marked	11:01:49
22	as Exhibit 881 before I handed it to you? Have you	11:01:51
23	seen it before?	11:01:55
24	A. Not that I recall.	11:01:56
25	Q. Okay. It's fair to say you didn't review	11:01:57
		Page 69

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1	Exhibit 8	81 in preparation for your testimony on behalf	11:02:01
2	of the co	mpany today?	11:02:05
3	Α.	That is fair to say.	11:02:06
4	Q.	Okay. I want to go to the second page of the	11:02:07
5	document,	please.	11:02:09
6		MR. HUME: What topic are we in now,	11:02:29
7	Coun	selor?	11:02:31
8		MR. JAFFE: Still talking about investment in	11:02:33
9	lida	r.	11:02:34
10	Q.	Do you see one of the entries is	11:02:41
11	Α.	Uh-huh. Yes, I do.	11:02:44
12			
			11:03:03
15		Do you see that?	11:03:05
16	Α.	I do.	11:03:05
17			
			11:03:13
19		MR. HUME: Objection as outside the scope.	11:03:14
20	Α.	I would assume so.	11:03:17
21	Q.	You're assuming so.	11:03:18
22		Sitting here today, can you tell me whether	11:03:20
23	it is or	it isn't, on behalf of Uber?	11:03:22
24		MR. HUME: Same objection.	11:03:24
25	Α.	So I have not seen this document before.	11:03:25
			Page 70

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1	MR. HUME: Objection as outside the scope.	11:04:37
2		
		11:04:53
7	MR. HUME: Objection as outside the scope.	11:04:55
8		
		11:05:09
13	MR. HUME: Objection as outside the scope of	11:05:12
14	the notice.	11:05:13
15	A. I can't.	11:05:14
16	Q. What is	11:05:34
17	MR. HUME: Objection as outside the scope.	11:05:36
18	A. I don't recall.	11:05:43
19	Q. You're not familiar with that?	11:05:43
20	A. I would need a refresher. If I see the doc,	11:05:45
21	I'll probably remember, but I don't know the	
	I've heard it. I don't remember.	11:05:50
23	MR. JAFFE: Let's mark this as 882. It's	11:05:53
24	Bates-labeled UBER232549.	11:05:56
25		11:05:58
		Page 72

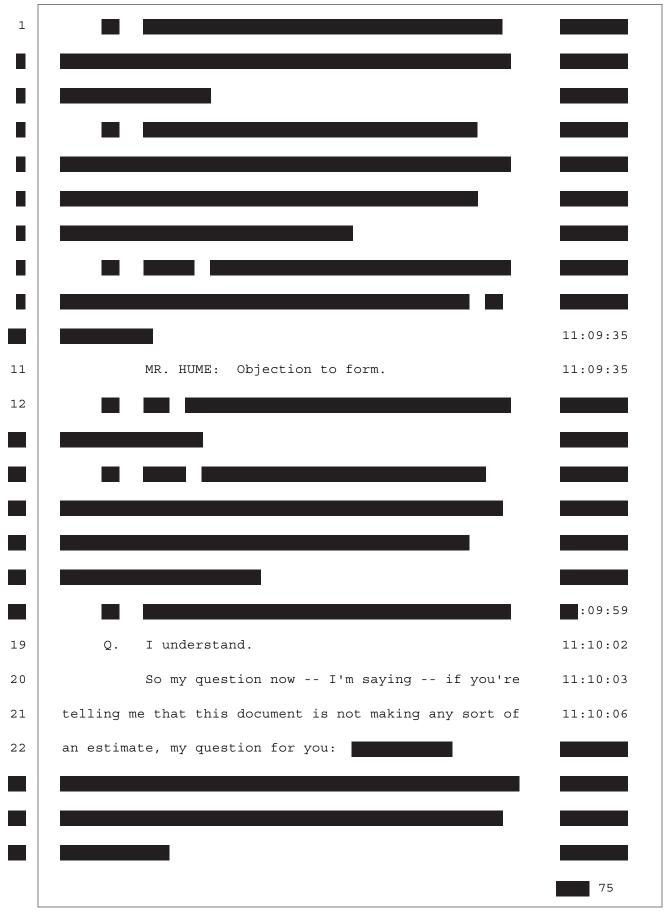
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(Whereupon, Deposition Exhibit 882 was marked	11:05:58
for identification.)	11:05:58
MR. HUME: This is 882?	11:06:11
MR. JAFFE: Correct.	11:06:12
Q. All right. I've handed you a document	11:06:20
entitled,	
	11:06:25
Do you see that?	11:06:26
A. I do.	11:06:26
Q. Does this refresh your memory on what project	11:06:28
is?	11:06:31
	11:06:55
Q. Okay. So you said "likely" and "probably."	11:06:57
Are you speculating, or do you actually know what	11:07:06
Project ?	11:07:10
A. I've not seen this document before. They use	11:07:13
internal code names on all the teams. And I do not	11:07:16
know what this refers to specifically within	11:07:18
	Page 73
	for identification.) MR. HUME: This is 882? MR. JAFFE: Correct. Q. All right. I've handed you a document entitled, Do you see that? A. I do. Q. Does this refresh your memory on what project is? Q. Okay. So you said "likely" and "probably." Are you speculating, or do you actually know what Project A. I've not seen this document before. They use internal code names on all the teams. And I do not

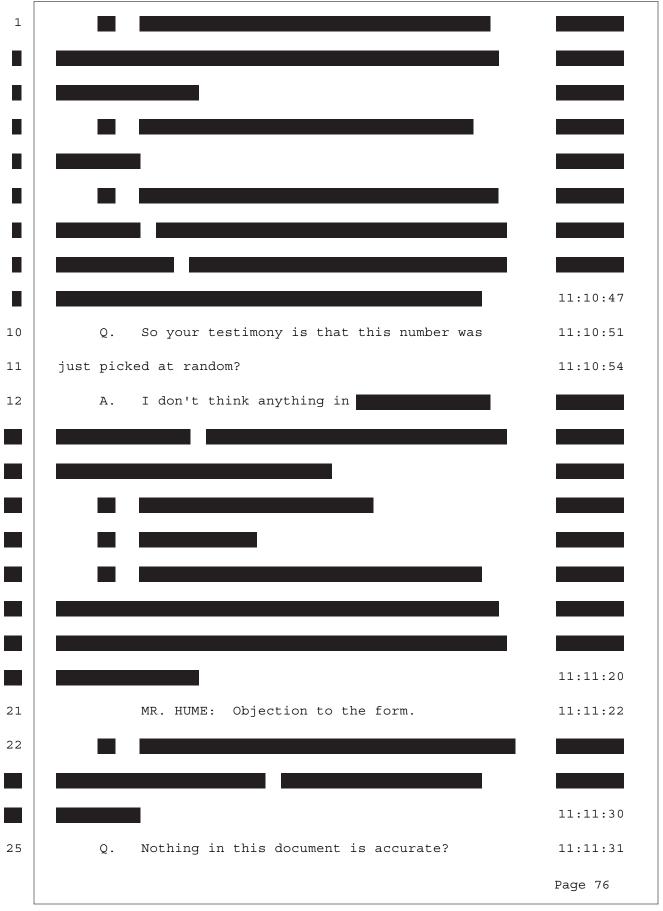
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1	team.	11:07:23
2	Q. You're not prepared to testify regarding the	11:07:25
3	content of Exhibit 882 today. Is that fair?	11:07:27
4	MR. HUME: Objection. He hasn't reviewed the	11:07:30
5	whole document.	11:07:32
6	A. I am happy to read through the doc and give	11:07:33
7	you my understanding of what questions you have about	11:07:35
8	it.	11:07:37
9	Q. Did you review this document in preparation	11:07:38
10	for your testimony today?	11:07:39
11	A. No, I did not.	11:07:41
12	Q. Okay. The date of this document is May 20,	11:07:42
13	2016. Right?	11:07:50
14	A. That's correct.	11:07:54
15	Q. This was after Uber decided to buy Otto.	11:07:55
16	Correct?	11:07:59
17	A. That is correct.	11:08:02
18	Q. Now, let's go to page ending in 572. So the	11:08:03
19	page here ending in 572 of Exhibit 882, it refers to	11:08:25
20	some information from November 2015. Correct?	11:08:31
21	A. Yes. That's correct.	11:08:43
22		
		11:08:55
		Page 74

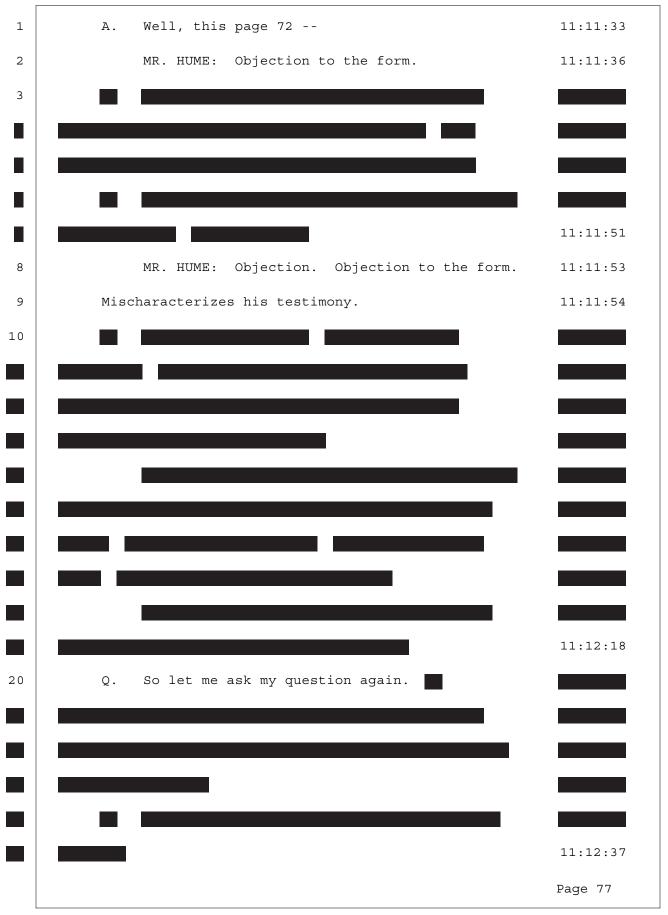
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Q.	I don't want you to imagine. I'm asking you,	11:12:38
testifyi	ng on behalf of the company:	
		11:12:43
Α.	I don't have	11:12:44
	MR. HUME: Objection to the form. I'm not	11:12:45
sur	e that specific I'll just preserve an	11:12:46
obj	ection as potentially outside the scope.	11:12:53
		11:13:11
	MR. HUME: I'll object to the form.	11:13:18
Α.	I don't couple the two together.	11:13:21
Q.	I'm not asking you to couple. I'm just using	11:13:23
that as	a timing bookmark.	11:13:25
		11:13:37
Q.	What about after? Didn't	11:13:38
	Let me just ask the question directly.	
		11:13:44
		Page 78

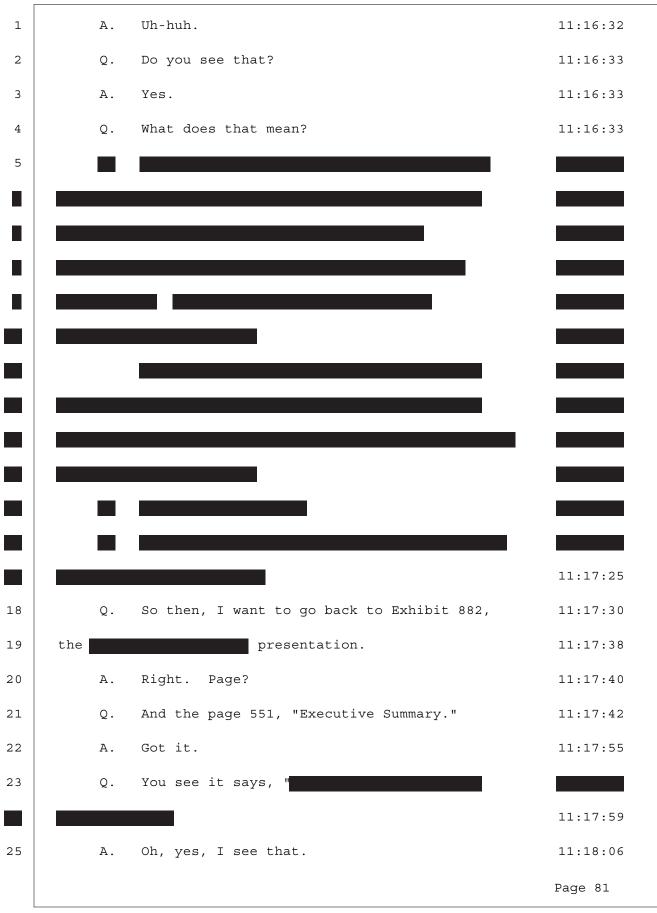
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1		
		11:13:52
4	Q. So if there are documents that reflect that,	11:13:54
5	that would be wrong?	11:13:57
6	A. That isn't what I'm saying.	11:13:58
7	Q. What are you saying?	11:14:00
8		
		11:14:35
18	MR. JAFFE: Let's go ahead and mark as	11:14:41
19	Exhibit 883 a document also entitled "	
	" Bates-labeled UBER232488.	11:14:57
21	(Whereupon, Deposition Exhibit 883 was marked	11:15:01
22	for identification.)	11:15:01
23	MR. HUME: What are we up to?	11:15:13
24	MR. JAFFE: 883.	11:15:16
25	Q. Mr. Meyhofer, have you seen Exhibit 883	11:15:17
		Page 79

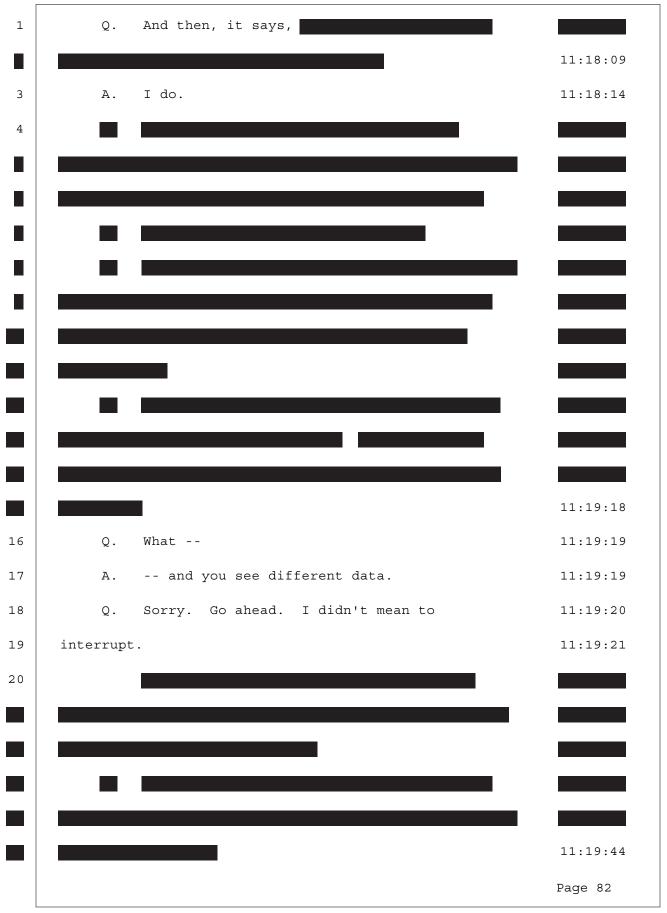
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1	before?		11:15:20
2	Α.	Nope. I have not.	11:15:21
3	Q.	So it's fair to say that you did not review	11:15:23
4	the conte	ent of Exhibit 883 to prepare to testify on	11:15:25
5	behalf of	the company today?	11:15:28
6	Α.	That's correct.	11:15:30
7	Q.	All right. So I want to contrast compare	11:15:31
8	and conti	cast Exhibit 883 to Exhibit 882.	11:15:35
9		Do you see Exhibit 882 is dated May 20, 2016?	11:15:39
10	Α.	Uh-huh.	11:15:43
11	Q.	And Exhibit 883 also, is	11:15:44
12	dated Sep	otember 13, 2016?	11:15:48
13	Α.	I do.	11:15:51
14	Q.	So this is a few months later, same project.	11:15:52
15	Is that i	Eair?	11:15:58
16	Α.	That's yes.	11:15:59
17	Q.	Okay. If you can turn to the page ending in	11:16:00
18	490		11:16:11
19	Α.	Got it.	11:16:12
20	Q.	the executive summary	11:16:13
21	Α.	Uh-huh.	11:16:15
22	Q.	you see where it says,	11:16:16
23	Α.	Uh-huh.	11:16:23
24			
		?	11:16:29
			Page 80

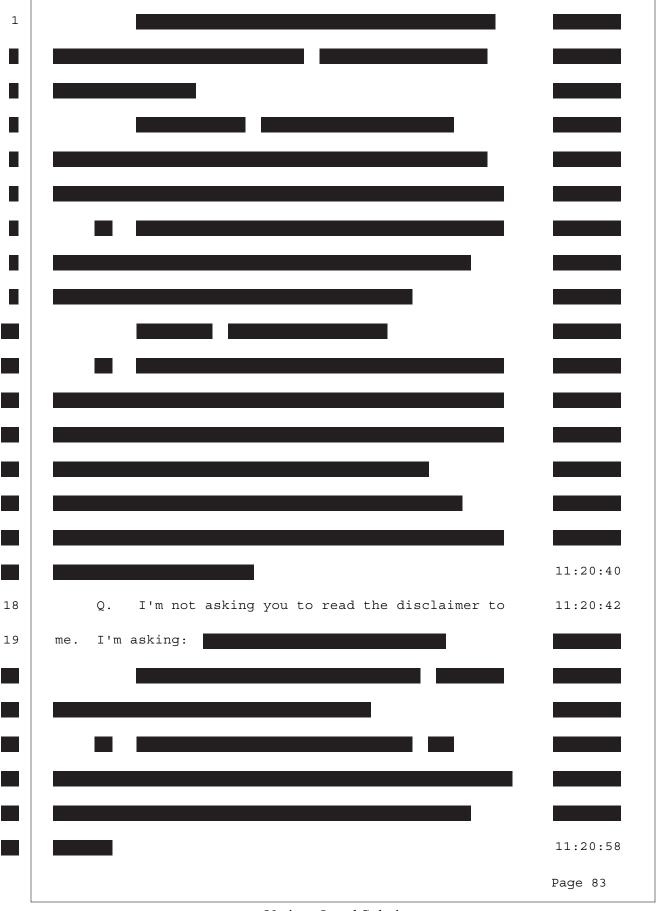
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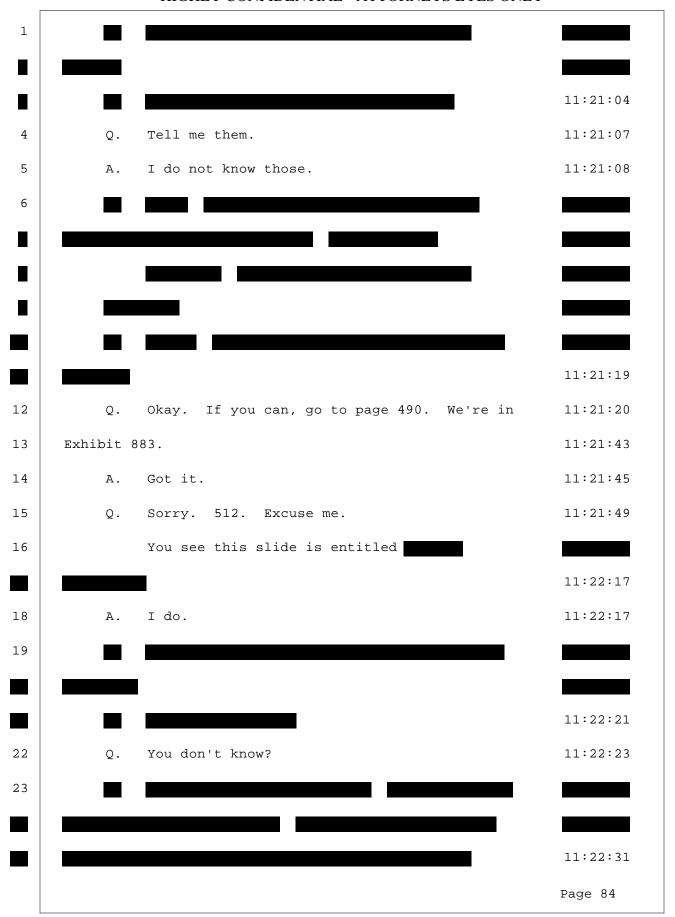
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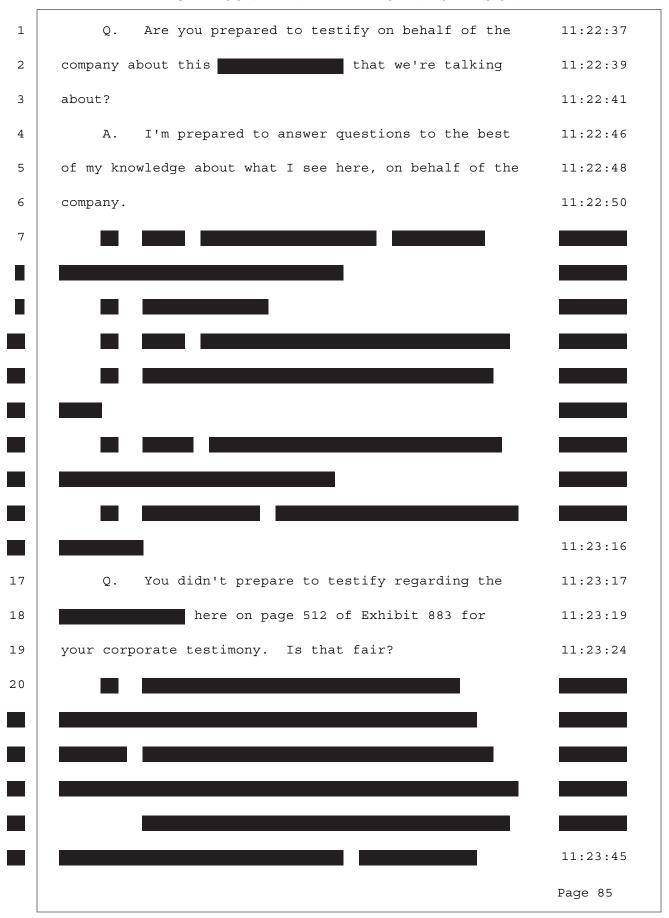
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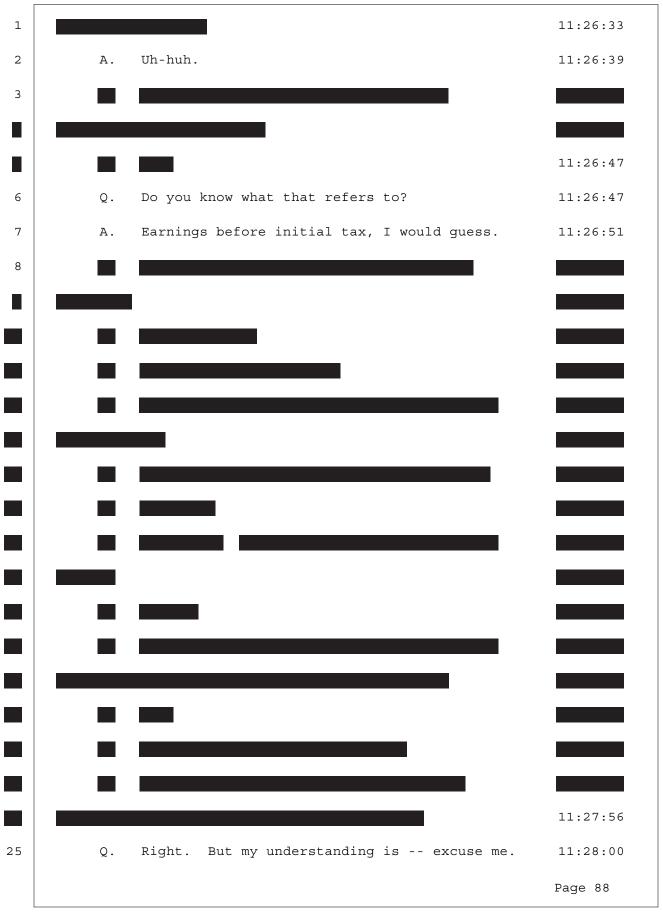
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1		
	·	11:23:52
3	Q. I want to ask a more specific question. I	11:23:54
4	want to ask questions about this page and where the	11:23:56
5	numbers come from on this page ending in 512 on page	11:23:59
6	Exhibit 883.	11:24:04
7	Are you prepared to explain the numbers on	11:24:05
8	this page?	11:24:06
9	A. I would need to have here to	11:24:07
10	do that accurately.	11:24:09
11	Q. So "no"?	11:24:10
12	A. Correct.	11:24:11
13	MR. JAFFE: All right. This is going to be	11:24:20
14	Exhibit 884. This is UBER231748. The first page	11:24:27
15	says	11:24:40
16	(Whereupon, Deposition Exhibit 884 was marked	11:24:53
17	for identification.)	11:24:53
18	Q. Mr. Meyhofer, have you seen Exhibit 884	11:24:59
19	before just when I handed it to you right now?	11:25:02
20	A. No, I have not.	11:25:04
21	Q. Okay. Do you know if this presentation is	11:25:06
22	referring to Ottomotto or Otto Trucking?	11:25:08
23	A. I do not know which of the two it refers to.	11:25:14
24		
		11:25:18
		Page 86

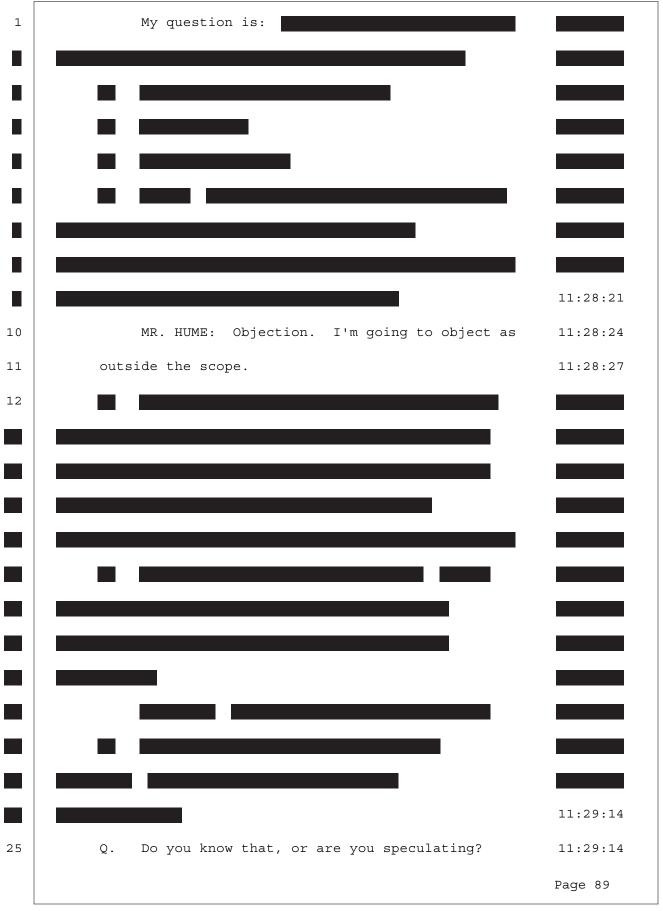
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1	Q. So if you would just want to take a second to	11:25:21
2	look through the different pages, my question is: Are	11:25:23
3	you prepared to testify regarding the numbers in this	11:25:27
4	document on behalf of the company?	11:25:30
5	A. No, I'm not.	11:25:32
6	Q. So you can't explain where any of these	11:25:33
7	numbers came from or what they mean, sitting here	11:25:35
8	today?	11:25:38
9	A. No. I'm sure it came from the finance team.	11:25:38
10	I can't explain them in detail, no.	11:25:40
11	Q. For example, if you go to the page ending in	11:25:44
12	750	11:25:47
13	A. Yes.	11:25:48
14	Q do you see where it refers to a	
	on the top?	11:25:51
16	A. Yes. Yes. Yes. Yes.	11:25:55
17		
		11:26:30
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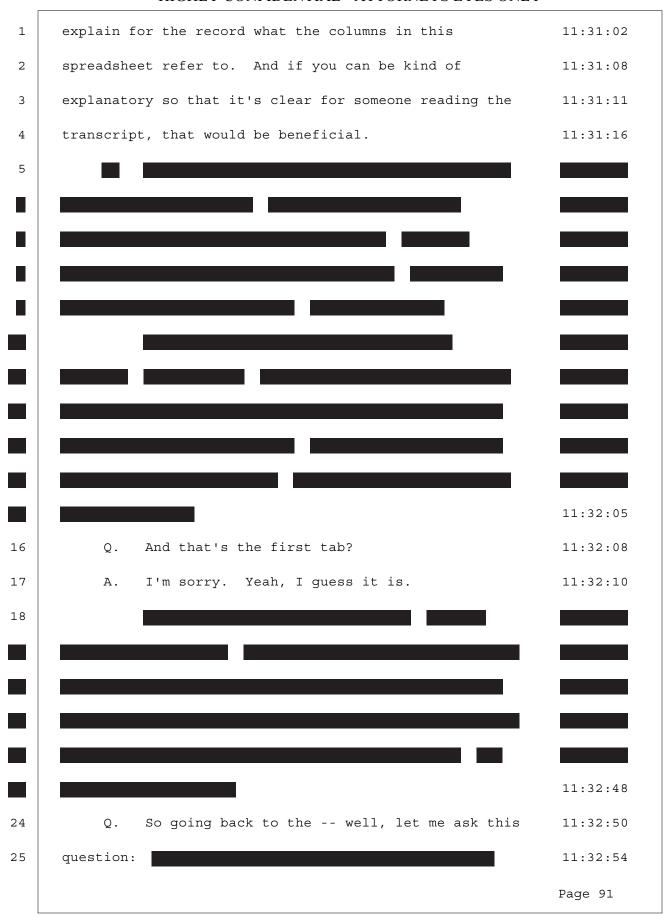
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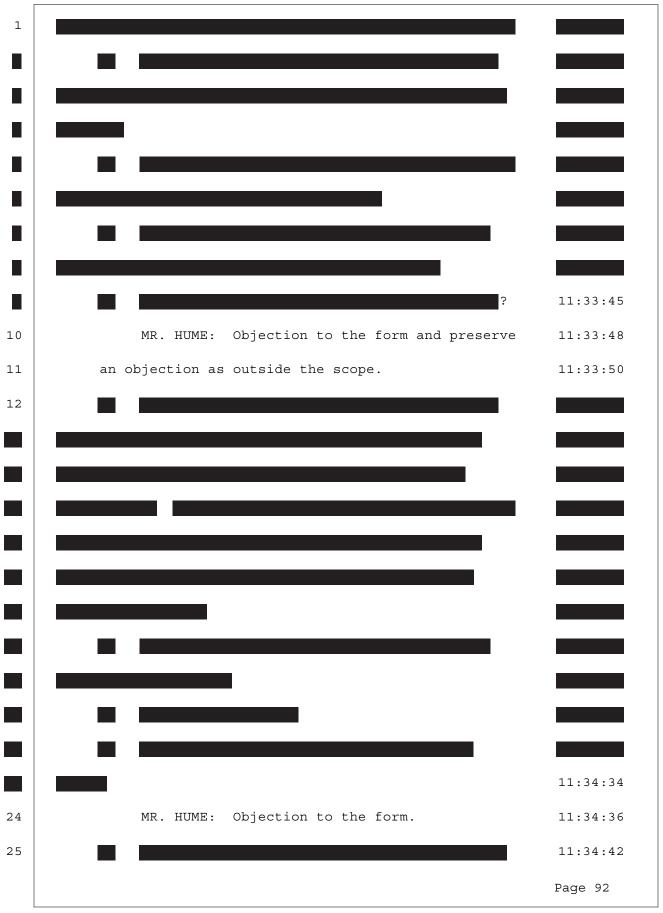
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1		
		11:29:36
10	MR. JAFFE: Okay. You can put it aside.	11:29:38
11	All right. Let's take out the little	11:30:00
12	computer here.	11:30:03
13	MR. BERGSTROM: All right. Do you want to	11:30:05
14	look at it before I give it to him or	11:30:19
15	MR. JAFFE: Yeah. Let me just read for the	11:30:22
16	record what it is. So why don't we look at	11:30:24
17	UBER224219.	11:30:26
18	And for the record, I'm just handing the	11:30:31
19	witness a laptop that has this spreadsheet loaded	11:30:35
20	up.	11:30:39
21	THE WITNESS: Thank you.	11:30:51
22	BY MR. JAFFE:	11:30:51
23	Q. Mr. Meyhofer, you'll have to bear with me	11:30:51
24	because you're looking at the computer and I am not.	11:30:53
25	But what I'd like to do is, if you could, please	11:30:57
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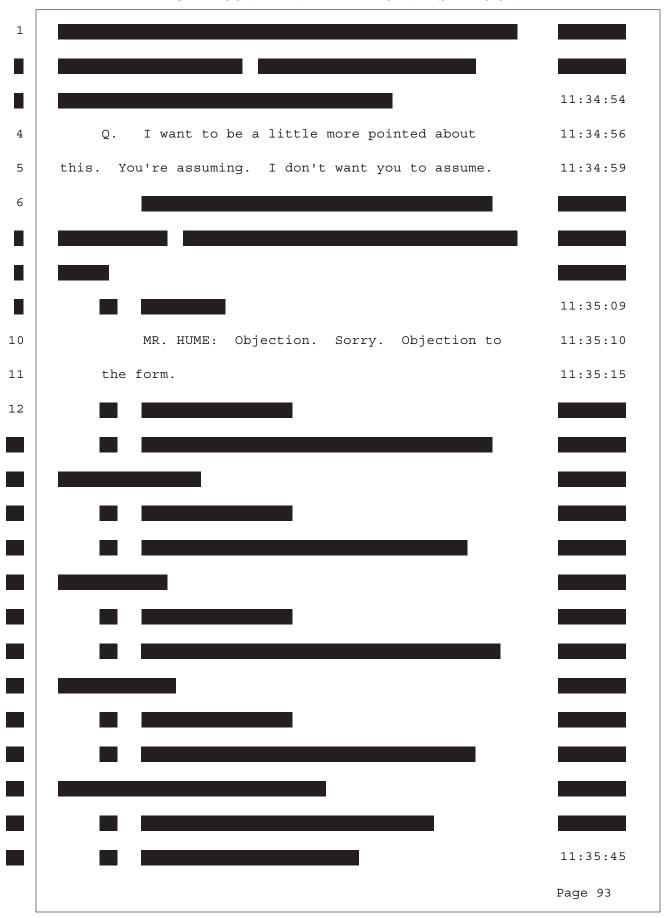
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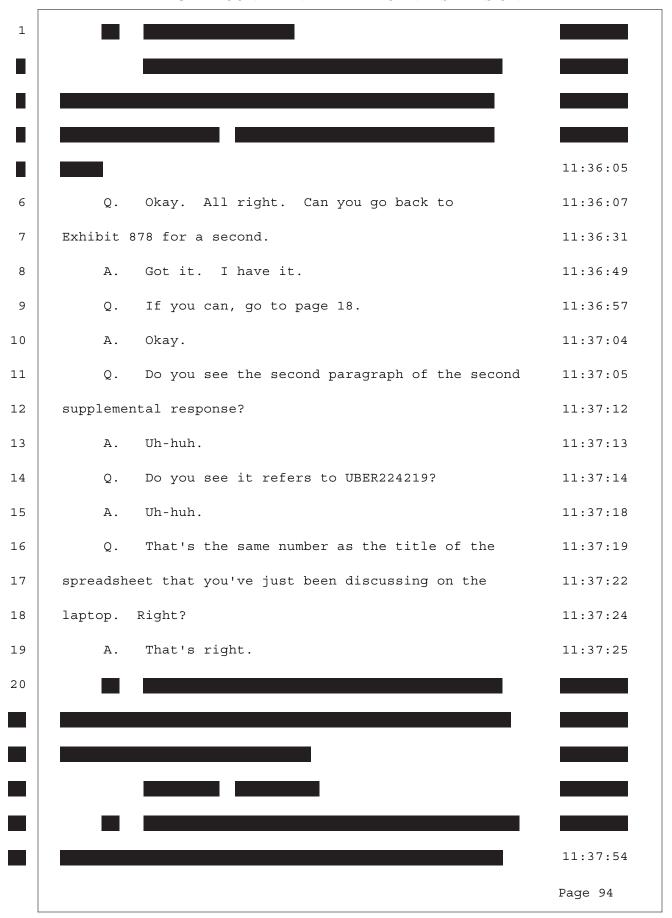
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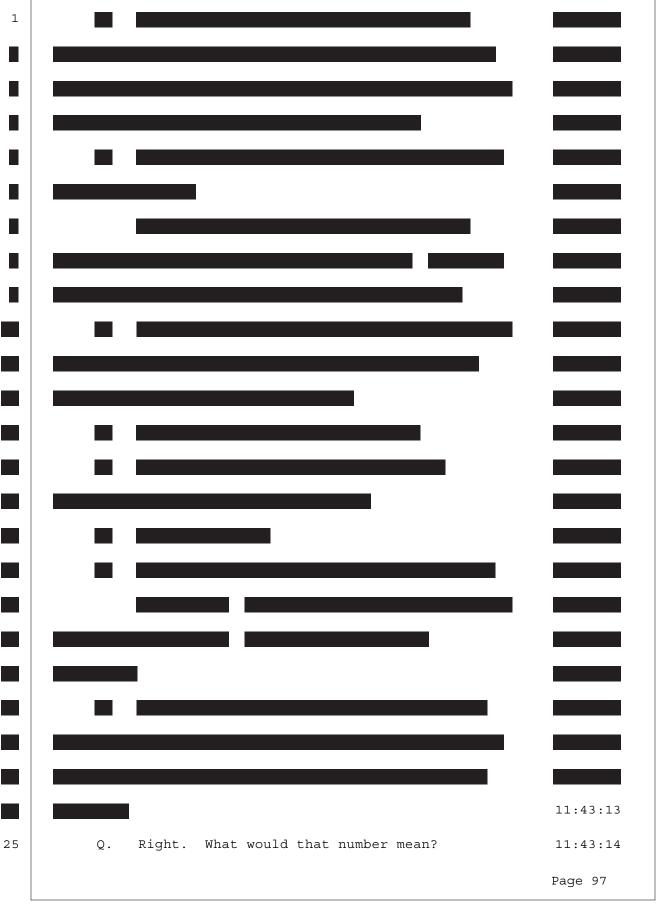
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1		
		11:38:05
4	Q. Okay. If you can I'm happy to do this,	11:38:10
5	but maybe you can just do it on the fly here. Open the	11:38:17
6	other spreadsheet that's on the desktop of the computer	11:38:20
7	in front of you. And that one should be numbered	11:38:23
8	232454.	11:38:34
9	A. Uh-huh. "it's called?	11:38:37
10	MR. HUME: What's the Bates number of the one	11:38:46
11	we just opened? Oh, 232454.	11:38:48
12	MR. JAFFE: Now what I want to do is mark as	11:38:58
13	Exhibit 885 Defendants Uber and Otto's fourth	11:39:00
14	supplemental responses to Waymo's first set of	11:39:13
15	interrogatories.	11:39:16
16	(Whereupon, Deposition Exhibit 885 was marked	11:39:16
17	for identification.)	11:39:16
18	Q. All right. So can you go to page 18 of this	11:39:33
19	document, Exhibit 885.	11:39:53
20	A. Got it.	11:40:02
21	Q. Actually, before we get there, did you review	11:40:03
22	Exhibit 885, Defendants' fourth supplemental responses,	11:40:06
23	in preparation for your testimony today, or did you	11:40:09
24	only review the one we marked earlier, which was the	11:40:11
25	second set of supplemental responses, Exhibit 878?	11:40:14
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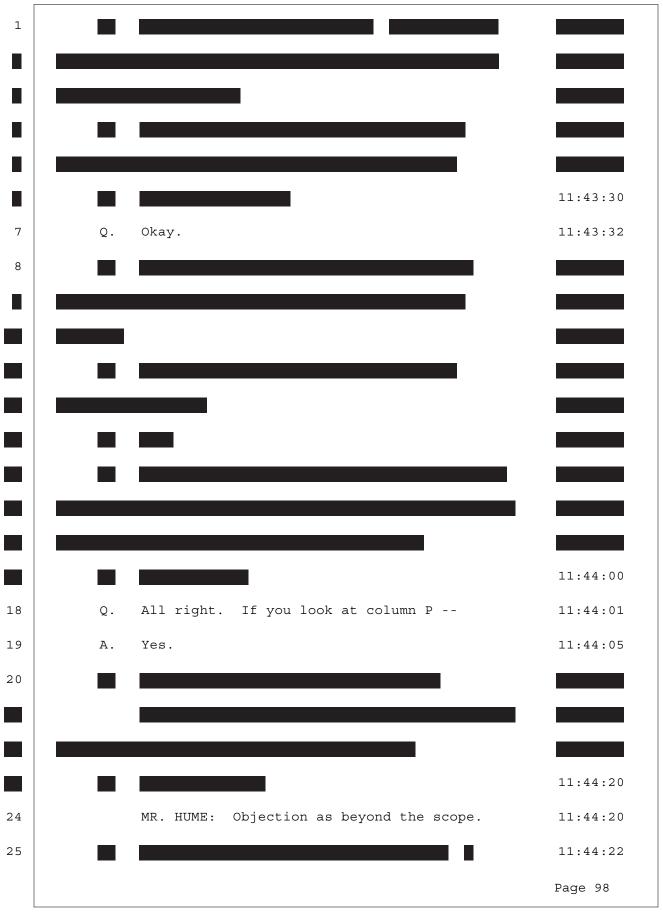
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1	MR. HUME: Objection to form.	11:40:26
2	A. I reviewed only 878.	11:40:36
3	Q. Okay. So you didn't review and prepare to	11:40:39
4	testify regarding the third and fourth supplemental	11:40:43
5	responses to Uber's interrogatory number 3. Is that	11:40:46
6	fair?	11:40:50
7	A. That's fair.	11:40:51
8	Q. Even so, I want to try to plod along as best	11:40:55
9	we can here. So if you look at page 18 of Exhibit 885,	11:41:00
10	do you see that it cites UBER232454?	11:41:06
11	A. Yes.	11:41:14
12		
		11:41:51
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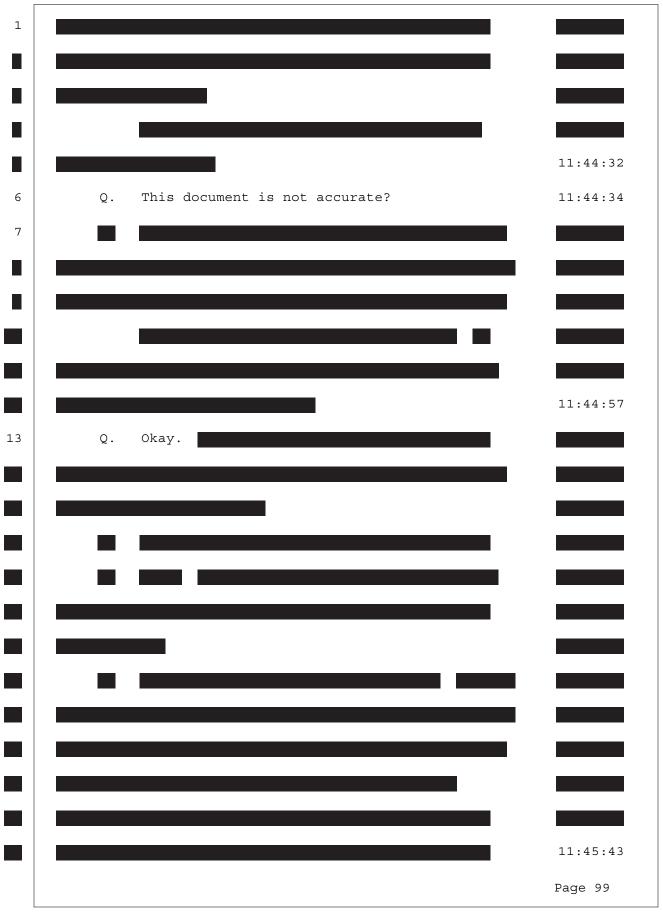
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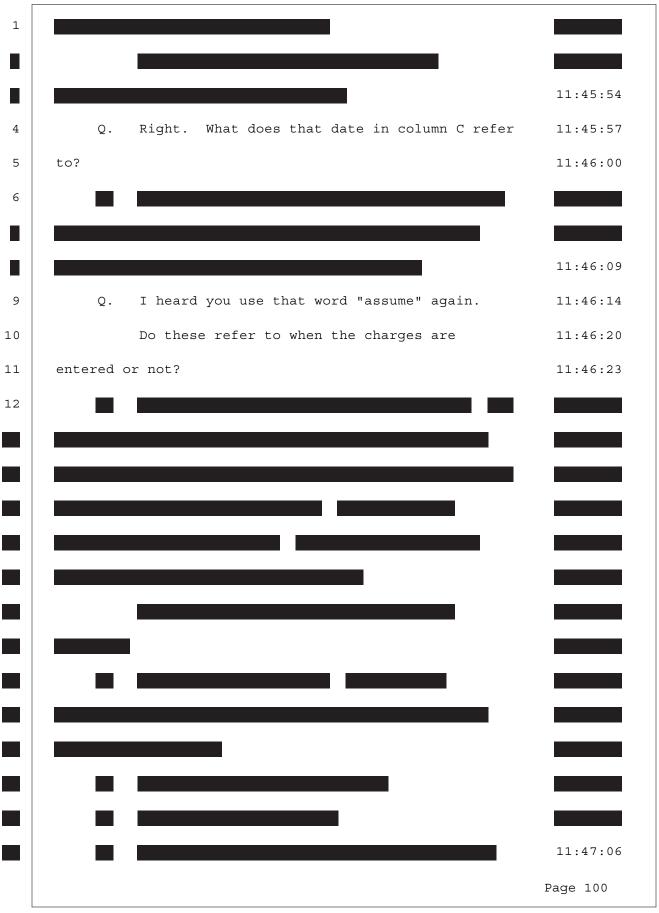
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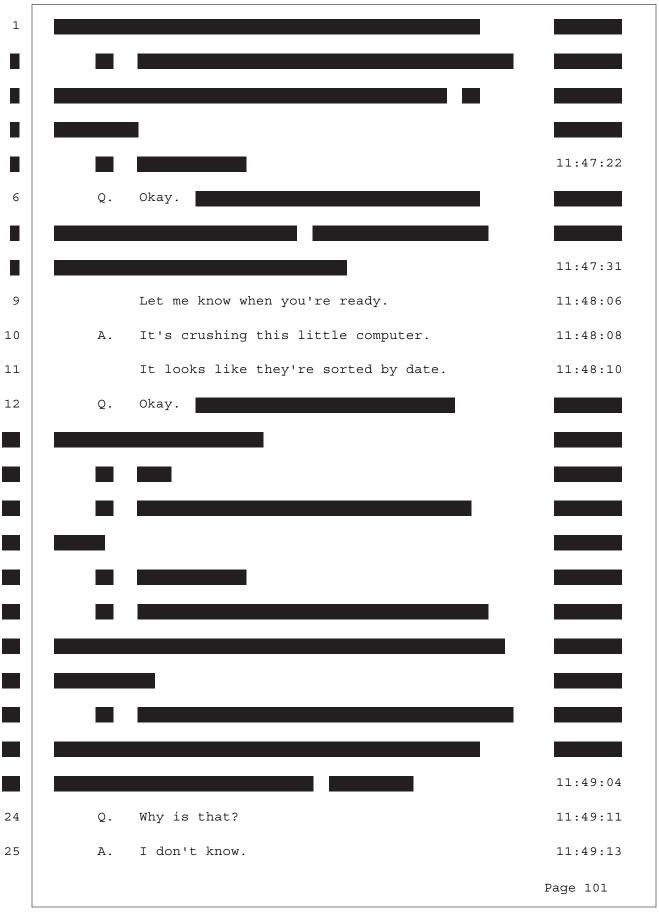
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1	MR. JAFFE: Okay. Why don't we take our next	11:49:15
2	break.	11:49:23
3	MR. HUME: Okay.	11:49:24
4	THE VIDEOGRAPHER: This ends media number 2.	11:49:25
5	Going off the record, the time is 11:49 a.m.	11:49:27
6	(Recess taken.)	12:12:49
7	THE VIDEOGRAPHER: This begins media	12:13:06
8	number 3. We are on the record. The time is	12:13:07
9	12:12 p.m.	12:13:10
10	BY MR. JAFFE:	12:13:11
11	Q. Welcome back, Mr. Meyhofer.	12:13:11
12	A. Thank you.	12:13:13
13	Q. Just to we were talking about two	12:13:15
14	spreadsheets that are loaded up on this laptop. One is	12:13:17
15	224219. The other is 232454. And as, I think, we	12:13:20
16	talked about before, you can't, sitting here today,	12:13:26
17	tell me what all the information in those means and	12:13:30
18	where the accuracy of the data in there.	12:13:32
19	Is that fair?	12:13:34
20	A. That is correct.	12:13:35
21	Q. So my question is: Who would know the answer	12:13:35
22	to those questions?	12:13:38
23	A. So I would I would work with	
	They're the two most knowledgeable	12:13:45
25	finance people at ATG. And I would question the method	12:13:50
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1	with which they pulled this data, how they categorized	12:13:56
2	it, and why they used that data.	12:14:01
3	Q. And those conversations you didn't have	12:14:03
4	those conversations in preparation for your testimony	12:14:05
5	today?	12:14:07
6	A. I had a conversation with about the	12:14:08
7	difficulty of us producing all of this data, given that	12:14:10
8	we don't have this sort of tracking in place, but I	12:14:14
9	didn't talk with her specifically about this	12:14:18
10	spreadsheet.	12:14:20
11	Q. About either of the spreadsheets?	12:14:22
12	A. Correct.	12:14:23
13	Q. So you didn't walk with	12:14:24
14	about how the data in these two spreadsheets	12:14:27
15	was generated, its accuracy, or any of those kinds of	12:14:32
16	topics?	12:14:35
17	A. That is correct. I did not talk to either of	12:14:36
18	them about the data in these spreadsheets.	12:14:38
19	Q. Okay. And if you wanted to get more	12:14:40
20	information, those would be the two people you would	12:14:42
21	ask?	12:14:44
22	A. Oh, yes.	12:14:45
23	Q. Was getting a custom lidar a motivating	12:14:57
24	factor in the decision to acquire Otto?	12:15:00
25	MR. HUME: Objection.	12:15:03
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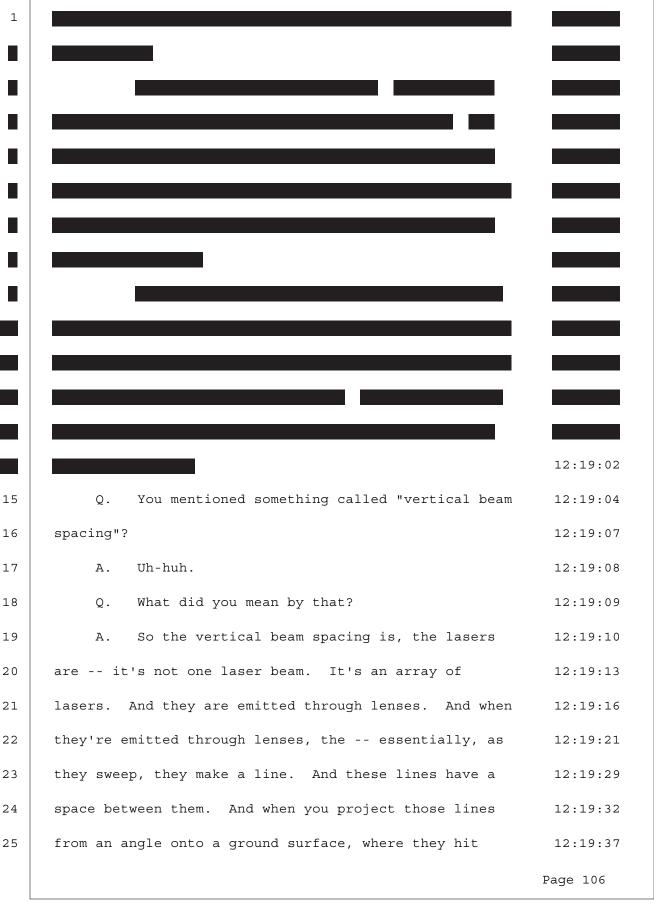
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1	What topic are you under now?	12:15:04
2	MR. JAFFE: Still on topic 9.	12:15:06
3	MR. HUME: Reserve the objection preserve	12:15:10
4	the objection as outside the scope.	12:15:12
5		
		12:15:35
8	Q. Okay. We talked earlier about the	12:15:57
9	preparation work that you did to testify on behalf of	12:16:04
10	topic number 9. You said you reviewed a few documents;	12:16:06
11	you spoke with . And I believe that was it?	12:16:09
12	A. Yes.	12:16:16
13	Q. Now, we spoke about your conversation with	12:16:19
14	Did you speak with about	12:16:21
15	anything else, other than what we've already talked	12:16:24
16	about, in preparation for your testimony today?	12:16:27
17	MR. HUME: Just a minute. Go ahead.	12:16:30
18	A. Will you repeat the question first.	12:16:45
19	Q. Sure. Let me rephrase it. Hopefully, it	12:16:48
20	will be clear.	12:16:49
21	You mentioned a conversation that you had	12:16:51
22	with .	12:16:52
23	A. Uh-huh.	12:16:54
24	Q. Do you remember that?	12:16:54
25	A. Uh-huh.	12:16:55
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1	Q. If you could, just say "yes" or "no."	12:16:55
2	A. Yes, I do.	12:16:56
3	Q. Thank you.	12:16:57
4	Did you other than what you talked	12:16:59
5	disclosed before, did you discuss anything else with	12:17:03
6	to prepare for your deposition today on	12:17:06
7	behalf of the company?	12:17:09
8	A. I don't remember everything I disclosed, but	12:17:11
9	I don't believe there's anything that I discussed with	12:17:14
10	her that I omitted.	12:17:16
11	I don't we talked about the ability for us	12:17:19
12		
		12:18:11
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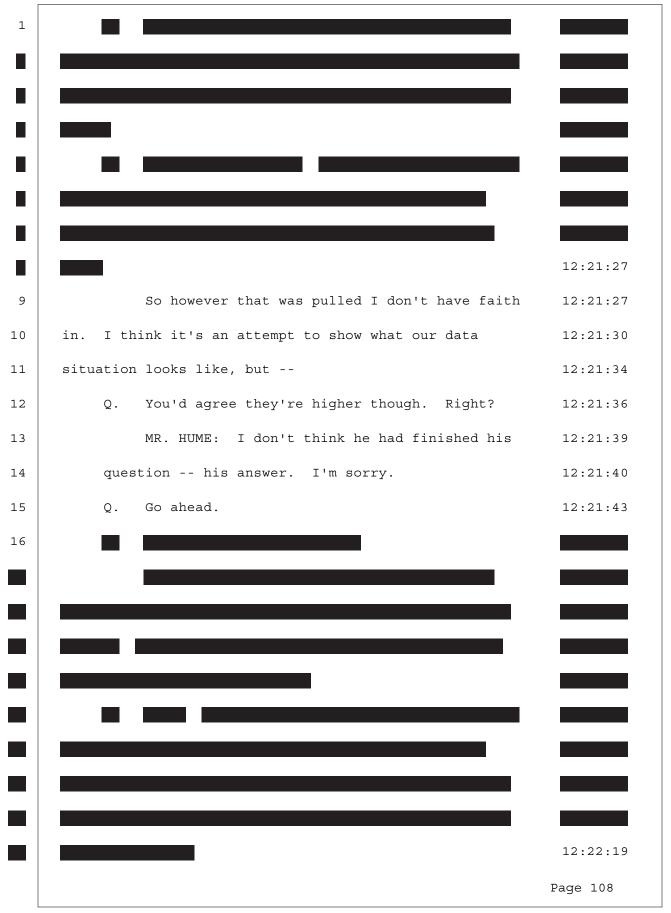
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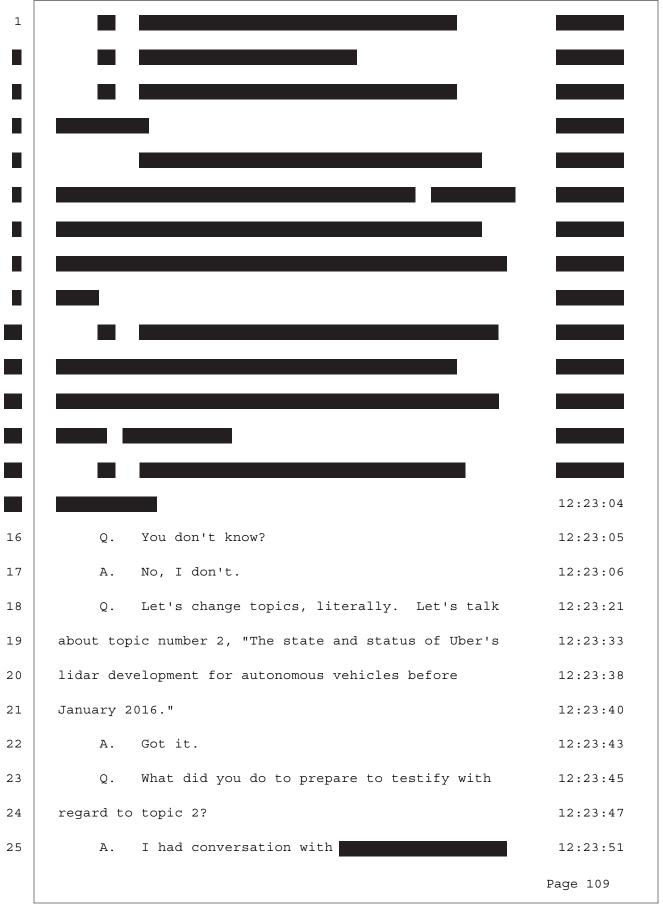
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1	determines the height of objects that they can paint.	12:19:42
2	And it has an attribute to how fast your vehicle can	12:19:45
3	go.	12:19:50
4	So the vertical beam spacing is really one of	12:19:50
5	the big performance attributes that determines how a	12:19:53
6	laser you know, its requirements, its recipe.	12:19:59
7	Q. You would say vertical beam spacing is the	12:20:07
8	recipe for the lidar?	12:20:10
9	A. Well, it's one	12:20:11
10	MR. HUME: Objection. I'm sorry. Object as	12:20:11
11	outside the scope of the topic.	12:20:13
12	A. It's one of the performance attributes that	12:20:16
13	matters a lot to us.	12:20:19
14	Q. It's a key performance attribute?	12:20:22
15	A. It's a key performance attribute, yes.	12:20:24
16	Q. What other costs did not think to	12:20:31
17	include for lidar costs?	12:20:36
18	A. The only one	12:20:37
19	MR. HUME: Objection to the form of the	12:20:38
20	question.	12:20:39
21		
		12:20:59
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1	output?	12:52:32
2	Q. Yes.	12:52:33
3	A. Because it's a resource that is necessary for	12:52:34
4	us to be successful.	12:52:40
5	MR. HUME: Sorry. I don't know if I	12:53:02
6	registered an objection to the last question, but	12:53:03
7	I'll register it now. It's outside the scope.	12:53:12
8	MR. JAFFE: I think we're on 886. I'm going	12:53:21
9	to mark this as Exhibit 886. It is entitled	12:53:25
10		
		12:53:34
12	(Whereupon, Deposition Exhibit 886 was marked	12:53:37
13	for identification.)	12:53:37
14	Q. Mr. Meyhofer, have you seen Exhibit 886	12:53:50
15	before?	12:53:52
16	A. I believe so, yes.	12:53:55
17	Q. Did you review this document in preparation	12:53:56
18	for your testimony today?	12:53:58
19	A. Yes.	12:54:00
20	Q. You did?	12:54:01
21	A. I think I did.	12:54:04
22	Q. How long did you spend reviewing Exhibit 886?	12:54:06
23	A. Not very long at all.	12:54:10
24	Q. Five minutes?	12:54:12
25	A. Not maybe, yeah.	12:54:13
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1	Q.	Less than five minutes?	12:54:15
2	А.	Yes.	12:54:16
3	Q.	So we were talking earlier about the state of	12:54:17
4	Uber's li	idar development before 2016.	12:54:20
5		Another one of the topics that you're	12:54:24
6	designate	ed on relates to Mr. Levindowski's input into	12:54:26
7	Uber's li	idar efforts.	12:54:31
8	Α.	Yes.	12:54:33
9	Q.	What I wanted to direct you to is do you	12:54:35
10	see the '	'Date" column on Exhibit 886?	12:54:37
11	Α.	Yes, I do.	12:54:39
12	Q.	And I'm going to refer to this as the "lidar	12:54:40
13	log," 886	5.	12:54:42
14		Do you understand what I'm referring to?	12:54:44
15	Α.	I do.	12:54:45
16	Q.	If you look at the lidar log, under the date,	12:54:45
17	do you se	ee la	
			12:55:04
19	Α.	I do see that.	12:55:05
20	Q.	And the	12:55:10
21		Do you see that?	12:55:18
22	Α.	Uh-huh.	12:55:19
23	Q.	What was Uber talking to Anthony Levandowski	12:55:24
24	about rec	garding lidar in 2015?	12:55:26
25	Α.	So these people are strategy and executive	12:55:32
			Page 133

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1	Q. I was going to read the topics. Sorry. I	13:04:31
2	realize now that makes sense.	13:04:33
3	You are designated to testify regarding topic	13:04:36
4	number 1 regarding Mr. Levandowski's development of	13:04:38
5	lidar?	13:04:40
6	A. Yes.	13:04:41
7	Q. What did you do to	13:04:43
8	MR. HUME: I think just for the record, I	13:04:44
9	think he's designated only for Uber, I think.	13:04:44
10	Q. What are	13:04:50
11	MR. JAFFE: He's only designated I'm	13:04:50
12	sorry. What did you say?	13:04:52
13	MR. HUME: I think he's designated for	13:04:52
14	Levandowski's involvement in the development at	13:04:55
15	lidar at Uber, on behalf of Uber. I don't know	13:05:01
16	that he can speak to what happened at Ottomotto.	13:05:03
17	MR. JAFFE: So the designation did not say	13:05:08
18	that.	13:05:11
19	MR. HUME: I'll check on a break. Why don't	13:05:12
20	you ask him questions. We'll see if we have an	13:05:13
21	Ottomotto designee separately. Maybe not.	13:05:17
22	Q. Okay. Mr. Levandowski [sic], what did you	13:05:19
23	do to prepare not you are not Mr. Levandowski.	13:05:23
24	What did you do to prepare to testify about	13:05:25
25	Mr. Levandowski's development or contributions to	13:05:28
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1	lidar?	13:05:32
2	A. Again, I talked with	13:05:40
3	Q. Anything else?	13:05:56
4	A. No, I mean, unless you want to count	13:05:57
5	but	13:05:59
6	Q. Did you review any documents to prepare to	13:06:00
7	testify regarding topic number 1?	13:06:02
8	A. This is lidar work between just period,	13:06:11
9	total, of Anthony?	13:06:14
10	Q. Yeah. That's what topic number 1 says.	13:06:18
11	A. Aside from working closely with him the whole	13:06:21
12	time and talking with, that's all I	13:06:24
13	did.	13:06:29
14	Q. So in preparing for your testimony on behalf	13:06:32
15	of at least Uber, you didn't review any documents?	13:06:34
16	A. I don't remember if the documents I reviewed	13:06:50
17	were about topic 1 or were in search for other	13:06:52
18	documents, but no, I don't remember specifically	13:06:57
19	reviewing documents about this topic.	13:06:58
20	Q. What did you and Mr. discuss with	13:07:06
21	regard to topic number 1?	13:07:09
22	A. Time lines, essentially, of when we broke the	13:07:12
23	specification to final and got it into for the	13:07:19
24		
	when he started to	13:07:31
		Page 142

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1	communicate with the NewCo consulting company, I wasn't	13:07:54
2	clear on. That's what I recall.	13:08:03
3	Q. What else so what did he tell you?	13:08:16
4	A. That the	
	. And	13:08:54
11	Q. What does that have to do with	13:09:04
12	Mr. Levandowski?	13:09:05
13	A. Well, remember, Anthony Levandowski's	13:09:07
14	involvement in lidar was very limited in that he was	13:09:10
15	the head of ATG.	13:09:13
16	Q. Let me let me back up. So I'm trying to	13:09:15
17	get at topic number 1 is Mr. Levandowski's	13:09:18
18	involvement in the development of lidar on behalf of	13:09:22
19	Uber and Ottomotto. Right?	13:09:24
20	A. Uh-huh.	13:09:25
21	Q. You said one of the things that you did to	13:09:26
22	prepare for this topic was talk to Mr.	13:09:28
23	A. Uh-huh.	13:09:31
24	Q. What did Mr. tell you about Anthony	13:09:32
25	Levandowski's involvement in the development of lidar?	13:09:33
		Page 143

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1	A. He told me specifically about his involvement	13:09:36
2	in it, and Anthony wasn't there. Anthony's involvement	13:09:38
3	was very limited. Anthony's involvement was	13:09:42
4	contributing a team.	13:09:44
5	Q. So Mr. told you that he had no	13:09:47
6	conversations with	13:09:49
7	A. No, he did not.	13:09:50
8	Q. Sorry. Let me finish.	13:09:52
9	Mr. told you that he had no	13:09:54
10	conversations with Anthony Levandowski about lidar?	13:09:58
11	A. He told me he had lots of conversations about	13:10:00
12	it. He was driving the spec. was.	13:10:02
13	Q. So they were talking about lidar all the	13:10:06
14	time?	13:10:07
15	A. They talked no, they weren't talking about	13:10:08
16	lidar all the time. But they talked about various	13:10:10
17	suppliers, you know, all the different kinds of	13:10:11
18	people that we assessed the technology of, the	
		13:10:18
20	Q. So what did Mr. tell you about	13:10:21
21	Anthony Levandowski's development of lidar on behalf of	13:10:24
22	Uber or Otto?	13:10:28
23	A. Specifically, when I talked to him regarding	13:10:31
24	this, very little. But we've been working together on	13:10:32
25	this for the whole time.	13:10:35
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	1	

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1	So my preparation for this, my conversation	13:10:39
2	with was very brief about this.	13:10:42
3	Q. And then, you spoke with Mr. as well?	13:10:44
4	A. Uh-huh.	13:10:48
5	Q. What did Mr. tell you about	13:10:48
6	Mr. Levandowski's involvement in the development of	13:10:51
7	lidar?	13:10:53
8	A. That Anthony's involvement in the development	13:10:53
9	of lidar was minimal in that he was in and out of the	13:10:56
10	office all the time and would provide a sense of	13:11:00
11	urgency and a cadence for getting minimum viable	13:11:05
12	products built, that the majority of the design and	13:11:10
13	specifics and details Anthony was not aware of.	13:11:16
14	Q. Was Anthony Levandowski a good engineer for	13:11:21
15	Uber?	13:11:24
16	A. Anthony wasn't an engineer at Uber.	13:11:28
17	Q. Did he provide any engineering input at all?	13:11:31
18	MR. HUME: Objection as outside the scope	13:11:36
19	unless it's within lidar.	13:11:37
20	Go ahead.	13:11:39
21	A. Yes, he did. He would give his, you know,	13:11:40
22	ideas on hey, how can we get there faster, or is	13:11:46
23	there a way to do that planner that was more efficient,	13:11:51
24	or maybe consider doing this using this team's	13:11:54
25	approach.	13:11:58
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1	His role isn't to get into it's not like	13:12:00
2	he was doing touching CAD tools or doing, you know,	13:12:04
3	specified design work. He was providing the	13:12:06
4	inspiration and the motivation and the fierceness and	13:12:14
5	trying to pull the team to go as fast as possible.	13:12:20
6	His engineering was limited to he would,	13:12:23
7	you know, pop in here and there and have conversations	13:12:26
8	with people and test their approaches.	13:12:29
9	Q. He was in charge of the lidar development	13:12:32
10	effort. Right?	13:12:34
11	A. No.	13:12:35
12	Q. "No"?	13:12:35
13	A. No. I was in charge of the lidar development	13:12:36
14	effort. Anthony was in charge of ATG.	13:12:42
15	MR. HUME: Are we getting close to a break?	13:13:07
16	We've been going a little more than an hour now.	13:13:09
17	MR. JAFFE: Sure, if you'd like.	13:13:11
18	THE VIDEOGRAPHER: Going off the record, the	13:13:16
19	time is 1:12 p.m.	13:13:17
20	(Luncheon recess taken.)	13:56:21
21	THE VIDEOGRAPHER: This begins media	13:57:24
22	number 4. We are on the record. The time is	13:57:25
23	1:57 p.m.	13:57:29
24	MR. JAFFE: All right. This is going to be,	13:57:30
25	I think, 887, labeled UBER118203.	13:57:33
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1	(Whereupon, Deposition Exhibit 887 was marked	13:57:41
2	for identification.)	13:57:41
3	MR. HUME: What did you say it is?	13:58:05
4	THE REPORTER: 887.	13:58:06
5	BY MR. JAFFE:	13:58:06
6	Q. Mr. Meyhofer, I've put an e-mail in front of	13:58:07
7	you dated December 10, 2015.	13:58:09
8	Do you see that?	13:58:13
9	A. Yes, I do.	13:58:14
10	Q. And the subject is,	13:58:15
11	Do you see that?	13:58:17
12	A. Uh-huh.	13:58:18
13	Q. And the first e-mail is from you, earlier in	13:58:18
14	the day, and it's an e-mail from you to	13:58:21
15	Right?	13:58:24
16	A. That's correct.	13:58:26
17	Q. And you say,	
		13:58:36
21	Do you see that?	13:58:39
22	A. I do.	13:58:40
23	Q. What did you mean by your comparison of the	13:58:43
24	requirements that Mr. was developing as a	13:58:48
25	recipe?	13:58:52
		Page 147

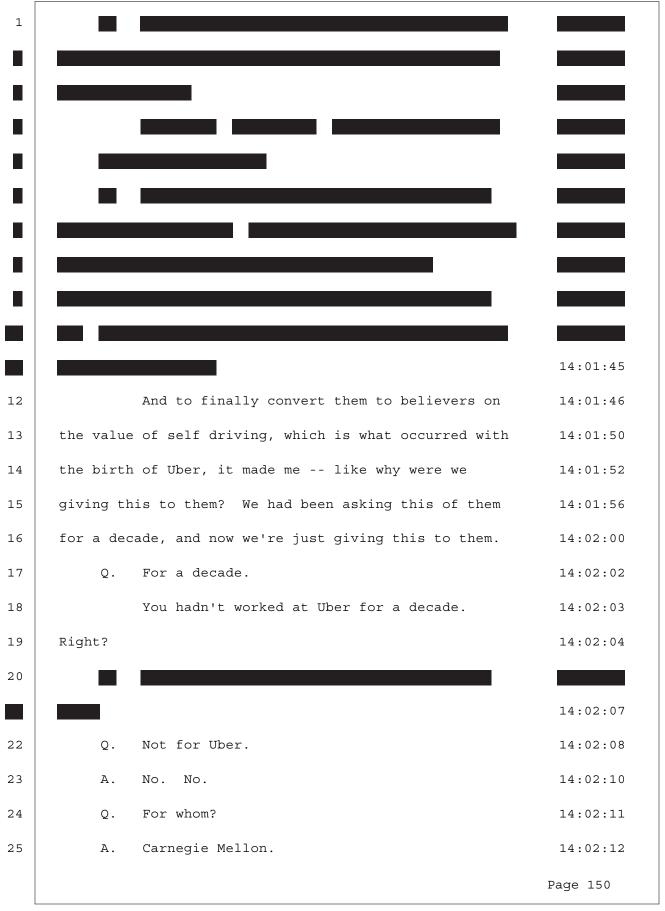
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1	MR. HUME: Objection. Outside the scope. I	13:58:54
2	assume we are, for the record, still on the	13:58:55
3	30(b)(6) portion?	13:58:57
4	MR. JAFFE: Yes.	13:58:59
5	MR. HUME: I'll just object as outside the	13:59:00
6	scope.	13:59:02
7	A. You know, the beam spacing,	
		14:00:06
23	So I was reminding him that it's really	14:00:08
24	important that you use this information carefully.	14:00:11
25		14:00:14
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1		
		14:00:21
4	MR. HUME: Objection. Same objection.	14:00:22
5	A. I was reminding him that it's an important	14:00:24
6	piece of information. Just not the vertical beam	14:00:26
7	spacing, but all of the work he had been doing for the	14:00:30
8	last year on lidar development.	14:00:32
9	Q. Would you agree that the vertical beam	14:00:36
10	spacings are a sort of recipe	14:00:38
11	MR. HUME: Objection. Same objection.	14:00:40
12	Q for self-driving lidar?	14:00:41
13	A. I would agree that vertical beam spacing is	14:00:43
14	an important part of requirements and specifications	14:00:45
15	and yes.	14:00:47
16		
		14:01:01
21	Q. And then, later in the e-mail, you said	14:01:02
22	later in this e-mail thread you said:	
		14:01:10
24	Do you see that?	14:01:13
25	A. Uh-huh.	14:01:14
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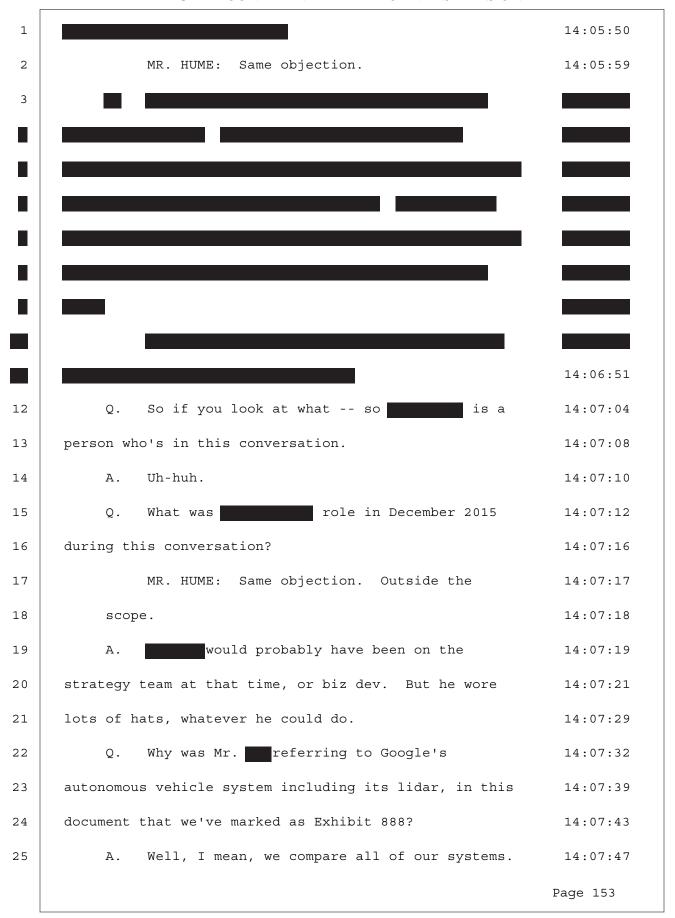
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1		
		14:02:31
8	Q. And okay. Would you agree that other	14:02:34
9	companies' specifications for self driving would be a	14:02:40
10	sort of recipe like the and have the value of the	14:02:46
11	Coca-Cola recipe?	14:02:50
12	MR. HUME: Objection to the form.	14:02:52
13	There's no way you can be tethered to the	14:02:53
14	scope with that question. I don't know why you	14:02:55
15	don't save it to the second part.	14:02:57
16	Object to form. Object, outside the scope.	14:03:00
17	A. I would agree that other specifications and	14:03:03
18	engineering information that companies develop that are	14:03:07
19	relevant to whatever machine they're trying to	14:03:10
20	accomplish is super valuable.	14:03:12
21	MR. JAFFE: This is going to be Exhibit 888.	14:03:40
22	It is Bates-numbered UBER147615.	14:03:49
23	(Whereupon, Deposition Exhibit 888 was marked	14:04:09
24	for identification.)	14:04:09
25	Q. Mr. Meyhofer, do you recognize what I've	14:04:11
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1	placed in front of y	ou as Exhibit 888?	14:04:13
2	A. I do.		14:04:16
3	Q. What is it	?	14:04:18
4	A. It looks l	ike an e-mail between	
			14:04:24
6	Q. And this i	s a discussion you were having in	14:04:31
7	December 2015?		14:04:33
8	A. Yes.		14:04:36
9	Q. Now, there	's a reference from Mr to	14:04:47
10			14:04:52
11	Do you see	that?	14:04:56
12	A. Uh-huh.		14:04:57
13	Q. What does	that refer to?	14:04:58
14	MR. HUME:	Objection. Form. Beyond the	14:05:00
15	scope.		14:05:04
16	A. So in the	state of the art, when you're	14:05:10
17	building a robotic p	latform, how well it performs or	14:05:16
18	how reliable it is i	s a measure of, we'll say, safety	14:05:22
19	or reliability, and	that whatever the state of the art	14:05:28
20	is, whatever the mos	t reliable and most advanced one is	14:05:30
21	what you'll be compa	red to. And so whatever the most	14:05:34
22	reliable or advanced	system at that time is considered	14:05:37
23	state of the art.		14:05:42
24	Q. So in Dece	mber 2015,	
			14:05:47
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1	And he's comparing what another company does and how	14:07:50
2	they go about solving the problem, having a discussion	14:07:55
3	about how to measure capabilities, is what it appears.	14:07:58
4	Q. Uber is measuring its autonomous vehicle	14:08:13
5	effort and sensor suite against Google's at this point.	14:08:18
6	Right?	14:08:22
7	MR. HUME: Objection as outside the scope.	14:08:22
8	A. I think that's a fair assessment of this	14:08:25
9	conversation.	14:08:27
10	Q. And then, I want to go to the last response,	14:08:28
11	which is from you. And I'm going to skip towards the	14:08:30
12	end. You say,	
		14:08:42
14	Do you see that?	14:08:44
15	A. Uh-huh.	14:08:48
16	Q. What are you referring to there?	14:08:51
17	MR. HUME: Objection as outside of the scope	14:08:54
18	of the 30(b)(6) topics.	14:08:56
19	A. I'm referring to the performance of their	14:08:58
20	autonomous vehicle.	14:09:02
21	Q. And then, you go next you say,	
		14:09:24
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1	Q. So when you said that Uber will have a very	14:10:42
2	similar solution to the Google self-driving system,	14:10:47
3	you're referring to the fact that you knew some of the	14:10:51
4	people that worked there?	14:10:56
5	A. No. The approach that the people that I know	14:10:57
6	are taking there is the same kind of approach,	
		14:11:12
11	Q. So Uber was taking the same approach that	14:11:16
12	Google was taking?	14:11:18
13	A. As far as I could construe.	14:11:20
14	Q. And the result was going to be a very similar	14:11:23
15	self-driving solution. Is that right?	14:11:26
16	MR. HUME: Objection as outside the scope.	14:11:28
17	A. I don't know about the result, but in periods	14:11:32
18	of time.	14:11:36
19	Q. That's what you said here,	
		14:11:44
23	At first because we do it the same way at	14:11:46
24	that time.	14:11:49
25	Remember, this team we've been doing	14:11:52
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1	autonomous vehicles I mean, the CMU team that we	14:11:55
2	built this with, their first autonomous vehicle went to	14:11:59
3	from Pittsburgh to LA in 1995. The ways you do this	14:12:03
4	are quite known.	14:12:06
5	Q. So you later say,	
	"	14:12:19
8	Do you see that?	14:12:20
9	A. Uh-huh.	14:12:21
10	Q. Why were you referencing	
		14:12:30
14	A. Well, so someone's also compared; this is the	14:12:31
15	person that's got state of the art, some technology.	14:12:33
16	And this is me saying that we will assume	14:12:36
17	leadership of state of the art at some point. You	14:12:39
18	know, we're almost a year old here.	14:12:41
19	Q. When you were describing Uber as going to	14:12:56
20	have a very similar solution, at first, to the Google	14:12:59
21	self-driving system, what did you understand their	14:13:04
22	lidar capabilities to be for the purposes of this	14:13:06
23	comparison that you made here, in Exhibit 888?	14:13:10
24	MR. HUME: Objection as beyond the scope of	14:13:13
25	the 30(b)(6) topics.	14:13:15
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1	A. I didn't know anything about the performance	14:13:17
2	characteristics of their lidar.	14:13:20
3	Q. Did Anthony Levandowski have lidar experience	14:13:27
4	when Uber hired him?	14:13:30
5	A. Yes, he did.	14:13:32
6	Q. What experience?	14:13:34
7	A. I think he worked with Topcon during his days	14:13:41
8	at 510 Systems and then with Velodyne and then with	14:13:48
9	Google on their lidar and then with Otto, to some	14:13:53
10	extent.	14:14:01
11	Q. What do you mean, "to some extent"?	14:14:03
12	A. Well, I mean, in the beginning, till I took	14:14:05
13	over hardware.	14:14:08
14	MR. JAFFE: This is going to be 889. This is	14:14:24
15	labeled UBER115395.	14:14:27
16	(Whereupon, Deposition Exhibit 889 was marked	14:14:30
17	for identification.)	14:14:30
18	Q. Mr. Meyhofer, do you see I've marked a text	14:14:52
19	message with a time stamp of May 18, 2016?	14:14:55
20	A. I do.	14:14:58
21	Q. And it's from Mr. to you.	14:15:00
22	At this point in time, May 18, 2016, what is	14:15:05
23	your position at Uber?	14:15:07
24	MR. HUME: Objection as outside the scope.	14:15:10
25	Personal deposition again.	14:15:13
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1	A. I was the head of hardware.	14:15:14
2	Q. What was Mr.	14:15:16
3	A. He was the director of ATG or ATC at the	14:15:18
4	time, I guess.	14:15:22
5	Q. Mr. Bares is saying,	
		14:15:30
8	Do you see that?	14:15:32
9	A. Yes, I do.	14:15:32
10	Q. "Laser," that refers to lidar. Right?	14:15:33
11	A. Yes, it does.	14:15:35
12	Q. Why was Mr. asking if you're	
	here on May 18, 2016?	14:15:39
14	MR. HUME: Objection. Outside the scope.	14:15:46
15	A. I don't know about the is it the "again"	14:15:51
16	word? Is that what you're asking about?	14:15:54
17	Q. I'm asking why what is this about?	14:15:55
18	A. This is about delivering a	14:15:59
19	specification to Anthony as to the performance	14:16:02
20	attributes of a laser.	14:16:07
21	Q. What lidar work were you doing with Anthony	14:16:09
22	Levandowski that's referred to in this text message?	14:16:13
23	A. That's what it is. It's we had written a	14:16:17
24	spec. We needed to ensure that the delivery of the	14:16:22
25	spec was possible by Anthony.	14:16:26
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1	Anthony made claims that we didn't believe he	14:16:28
2	could meet. We didn't believe he could deliver the	14:16:30
3	laser that we asked for, because it was really hard.	14:16:33
4	And so we were working with him to ensure that they	14:16:36
5	were a team was going to be able to deliver it.	14:16:38
6	Q. And Anthony Levandowski had no technical	14:16:40
7	feedback. Is that right?	14:16:43
8	A. I don't think that's fair to say.	14:16:50
9	Q. He did have technical feedback?	14:16:52
10	A. Yes.	14:16:54
11	Q. So Anthony Levandowski was providing	14:16:55
12	technical feedback in response to Uber's providing of	14:16:57
13	specifications?	14:17:03
14	A. He would give commentary to and say:	14:17:05
15	Do you really need that? That's super hard, and it's	14:17:07
16	going to take a long time.	14:17:10
17	Q. What else?	14:17:11
18	A. They would probably discuss	14:17:15
19	requirements and Anthony would press him and ask if you	14:17:20
20	really need to see something this far away, of this	14:17:23
21	size, and try to get the spec to be easier to meet.	14:17:26
22	Q. You said "probably."	14:17:30
23	Do you know that they discussed that, or are	14:17:32
24	you speculating?	14:17:33
25	A. I do know. I don't recall all the details of	14:17:34
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1	the conversation, though.	14:17:36
2	Q. So other than that discussion or that type of	14:17:40
3	discussion, what other lidar work was Anthony	14:17:46
4	Levandowski working on with you guys, Uber?	14:17:49
5	A. I don't think any. None that I can recall.	14:17:58
6	Q. Do you remember Anthony Levandowski providing	14:18:09
7	detailed specifications or for what type of	
		14:18:19
9	A. I do remember him	
	I	14:18:31
11	believe they were	14:18:34
12	MR. JAFFE: Let's go ahead and mark this.	14:18:44
13	This is going to be 890, UBER6645.	14:18:46
14	(Whereupon, Deposition Exhibit 890 was marked	14:18:50
15	for identification.)	14:18:50
16	Q. Mr. Meyhofer, this is an e-mail dated	14:19:06
17	November 4, 2016.	14:19:08
18	Do you see that?	14:19:11
19	A. I do.	14:19:14
20	Q. At this point, Mr. Levandowski he's head	14:19:16
21	of Uber ATG. Right?	14:19:20
22	A. Uh-huh.	14:19:22
23	Q. You are head of hardware?	14:19:23
24	A. Uh-huh.	14:19:25
25	Q. And Mr. Levandowski is replying to an e-mail	14:19:29
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1	from Mr.		14:19:37
2		Do you see that?	14:19:41
3	А.	Uh-huh.	14:19:42
4	Q.	About buying fiber lasers. Right?	14:19:43
5	А.	Uh-huh.	14:19:45
6	Q.	Is that correct?	14:19:45
7	А.	Uh-huh.	14:19:45
8	Q.	Can you answer audibly, please.	14:19:46
9	Α.	Oh, yes I'm sorry. It is correct.	14:19:48
10	Q.	And Mr he had gone out and put	14:19:50
11	together	an order to buy these from Right?	14:19:54
12	А.	That's right.	14:19:58
13	Q.	Mr. Levandowski he then responds,	
		Do you see that?	14:20:28
20	A.	I do.	14:20:29
21	Q.	So here, in November 2016, Mr. Levandowski	14:20:30
22	was		
			14:20:41
24	А.	In this e-mail, he is doing that, yes.	14:20:43
25	Q.	Where did these specifications come from?	14:20:45
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1	A. I think he may have known the and	14:20:51
2	was working with them on a new laser that they were	14:20:58
3	developing.	14:21:07
4	Q. Where did Mr. Levandowski know the	
	s from?	14:21:12
6	A. I do not know.	14:21:13
7	I do know that this isn't something we use,	14:21:13
8	but I don't know how he knew these people.	14:21:16
9	Q. Are you aware whether he knew them from his	14:21:21
10	time at Google?	14:21:23
11	A. Oh, no, I'm not aware.	14:21:24
12	Q. Are you aware whether these specifications	14:21:26
13	came from Mr. Levandowski's work at Google?	14:21:28
14	MR. HUME: Objection as outside the scope.	14:21:30
15	A. I have no knowledge that they came from	14:21:32
16	anything to do with Google.	14:21:33
17	Q. Where did these numbers come from?	14:21:35
18	A. I don't know.	14:21:38
19	I think it's important to we don't use	14:21:40
20	this.	14:21:42
21	Q. You have no idea where Mr. Levandowski got	14:21:46
22	these numbers these specifications here in	14:21:48
23	Exhibit 890. Is that fair?	14:21:50
24	A. Probably	14:21:52
25	MR. HUME: Objection as outside the scope.	14:21:52
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1	A. Probably from but I don't	14:21:54
2	I don't know.	14:22:00
3	Q. You said "probably."	14:22:02
4	You're speculating?	14:22:03
5	A. I'm speculating. That is correct.	14:22:04
6	MR. JAFFE: This is 891, Exhibit 891,	14:22:28
7	UBER12271.	14:22:30
8	(Whereupon, Deposition Exhibit 891 was marked	14:22:32
9	for identification.)	14:22:32
10	Q. Mr. Meyhofer, do you see what I've marked in	14:22:52
11	front of you as Exhibit 891?	14:22:54
12	A. (No verbal response.)	14:22:58
13	Q. It refers to	14:22:59
14	Do you see that?	14:23:02
15	A. I do.	14:23:03
16	Q. This was a meeting that you attended. Right?	14:23:04
17	A. Yes, it is.	14:23:07
18	Q. Anthony Levandowski also attended this	14:23:08
19	meeting. Right?	14:23:09
20	A. Yes, he did.	14:23:10
21	Q. Why did Anthony Levandowski attend this	14:23:11
22	meeting?	14:23:13
23	A. He was in Pittsburgh at the time, I would	14:23:15
24	assume, and was excited to be involved in any	14:23:17
25	anything he could. He loved this is his life. This	14:23:23
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1	is his love.	14:23:26
2	Q. He was there, working for free?	14:23:29
3	A. What do you mean?	14:23:34
4	Q. You said, "This is his love."	14:23:35
5	I mean, he was there as part of his job.	14:23:37
6	Right?	14:23:39
7	A. Right.	14:23:40
8	Q. So he came and he was at the short-range	14:23:41
9	sensor plan meeting as part of this job,	14:23:43
10	Mr. Levandowski. Right?	14:23:46
11	A. Yes.	14:23:47
12	Q. Okay. And what was Mr. Levandowski's	14:23:48
13	contribution to this meeting in February 2017?	14:23:51
14	A. I think it would be the same as usual. His	14:23:59
15	focus was always on things that were very practical and	14:24:03
16	not super challenging. How do you make something more	14:24:07
17	common sense based, because these engineers tend to	14:24:11
18	rabbit hole.	14:24:15
19	Q. Did Mr. Levandowski ever provide feedback for	14:24:16
20	the sensing team on specific cases that the sensor	14:24:20
21	needed to be able to sense, such as like a kid lying	14:24:24
22	next to the ground or something like that?	14:24:28
23	A. Sure.	14:24:30
24	Q. That was a regular part of his job?	14:24:31
25	A. No, not a regular part of this job. By no	14:24:33
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1	mana a manulan mant af his ish	14 24 26
1	means a regular part of his job.	14:24:36
2	Q. But it was something that he regularly did?	14:24:38
3	A. No, it is not something that he regularly	14:24:39
4	did.	14:24:41
5	Q. But it was something that he did do?	14:24:41
6	A. It is something that happened on occasion,	14:24:44
7	but not very frequently.	14:24:45
8	Q. Where do you think he got those sensing cases	14:24:46
9	from?	14:24:50
10	A. Well, so often, it's a conversation about how	14:24:50
11	we're proposing we do it, and it's a test of	14:24:54
12	sensibility. Do you really think it makes sense to do	14:24:58
13	it like that, or do you think it make more sense to do	14:25:01
14	it like that? So it's a discussion in the room.	14:25:04
15	Q. Were there any times when Mr. Levandowski	14:25:06
16	would say that the lidar needs to handle the following	14:25:08
17	case?	14:25:11
18	A. I can't recall.	14:25:15
19	Q. Did that ever happen?	14:25:17
20	A. I can't recall.	14:25:18
21	Q. Okay. Why don't we look at this document.	14:25:19
22	And you see, about the fourth from the bottom you	14:25:23
23	see it says, "AL."	14:25:26
24	Does that refer to Mr. Levandowski?	14:25:27
25	A. Uh-huh.	14:25:28
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1	Q.	And then it says,	
			14:25:36
4		Do you see that?	14:25:36
5	Α.	Uh-huh.	14:25:37
6	Q.	What does that refer to?	14:25:38
7	Α.	So in this analysis, that would have been	14:25:39
8	this desig	gn review, those situations would have been	14:25:40
9	presented	as: What things should we be focusing on?	14:25:43
10		He would be emphasizing those things.	14:25:47
11	Q.	Where did he get the	
			14:25:55
13		MR. HUME: Objection. Outside the scope.	14:25:57
14	Α.	It could have come from presentation	14:25:59
15	and		14:26:01
16	Q.	I'm not asking where it could have come from.	14:26:03
17		MR. HUME: Please let him finish his answer.	14:26:06
18	Q.	I'm asking: Where did it come from?	14:26:08
19	A.	I do not recall where this came from in this	14:26:10
20	particula	r meeting.	14:26:13
21	Q.	Are there any other so-called	14:26:18
22	that Mr.	Levandowski specified that these sensors	14:26:20
23	needed to	be able to handle?	14:26:27
24			
		And he would be	14:26:32
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1	reviewing these and saying, what did you think of this	14:26:35
2	one, or does this make sense, and just, from time to	14:26:39
3	time, testing an engineer.	14:26:41
4	His exposure to the engineering team, as head	14:26:44
5	of ATG, wasn't very high, so whenever he had the	14:26:46
6	opportunity to participate, he would participate, if he	14:26:50
7	could.	14:26:52
8	Q. So how many other times did Mr. Levandowski	14:26:54
9	provide these sorts of sensing cases to the Uber sensor	14:26:59
10	team?	14:27:04
11	A. I do not know.	14:27:05
12	Q. More than a dozen?	14:27:07
13	A. I do not know.	14:27:10
14	Q. Was it once a week?	14:27:11
15	A. He was in Pittsburgh for one day one week	14:27:15
16	a month, so not very often.	14:27:17
17	Q. So maybe five times a month. Is that fair?	14:27:19
18	A. I wouldn't imagine it being that high.	14:27:27
19	Q. Couple times a month?	14:27:29
20	MR. HUME: Objection to the form. Calls for	14:27:33
21	speculation.	14:27:35
22	A. I'm guessing.	14:27:35
23	Q. What about for him providing that information	14:27:36
24	to Otto?	14:27:40
25	A. I don't know why he would provide that	14:27:45
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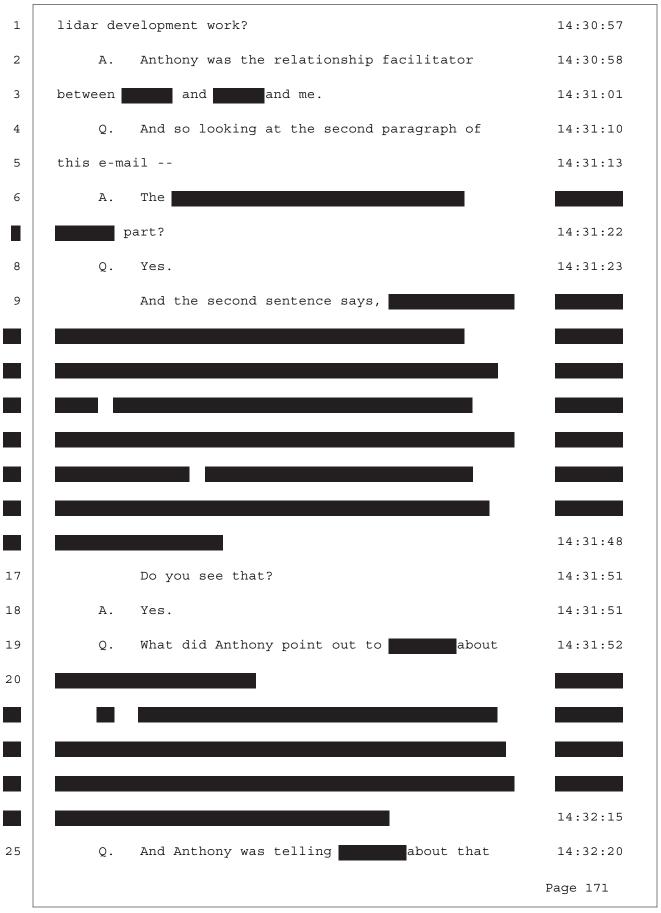
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1	information to Otto. They didn't do this sort of	14:27:47
2	stuff.	14:27:49
3	Q. You don't know whether he provided these	14:27:49
4	kinds of sensing use cases to the software team at	14:27:52
5	Otto?	14:27:55
6	A. I don't know that he did.	14:27:57
7	Q. You're not prepared to testify about that	14:28:00
8	today, though. Right?	14:28:02
9	A. About whether or not he provided sense cases	14:28:04
10	to Otto?	14:28:05
11	Q. Yes.	14:28:07
12	A. No, I don't know if he did. I wouldn't	14:28:07
13	I'm not prepared to discuss that. I don't know.	14:28:09
14	That's what I'll tell you over and over. I	14:28:11
15	don't know. I don't know.	14:28:14
16	MR. JAFFE: This will be 892, Bates number	14:28:38
17	UBER13332.	14:28:44
18	(Whereupon, Deposition Exhibit 892 was marked	14:28:46
19	for identification.)	14:28:46
20	Q. Exhibit 892 is an e-mail from	14:29:05
21	to you and Anthony Levandowski. Correct?	14:29:07
22	A. Yes, it is.	14:29:09
23	Q. And Mr. in this e-mail, is asking	14:29:12
24	you and Anthony Levandowski to help him prioritize his	14:29:16
25	work with a versus other lidar	14:29:20
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1	work. Is that fair?	14:29:24
2	A. Yeah hold on one second. Let me read it.	14:29:26
3	Yes.	14:29:34
4	Q. Why was Mr. e-mailing you and	14:29:36
5	Mr. Levandowski to help prioritize his lidar work?	14:29:40
6	A. Because didn't agree that we should be	14:29:43
7	paying attention to the when compared to	14:29:49
8	other priorities of our work, and Anthony was so	14:29:53
9	excited about and thought	14:30:00
10	that it was state of the art and the most revolutionary	14:30:03
11	laser in the world and	
		14:30:23
16	And was saying, hey, it's going to cost	14:30:23
17	me I'm going to have to do other things. And so the	14:30:26
18	three of us sort of had a disagreement on how to	14:30:30
19	resource allocated time.	14:30:32
20	Q. My question was a little bit simpler,	14:30:35
21	hopefully, which is: Why did Mr why would	14:30:37
22	he e-mail you and Anthony as opposed to anyone else?	14:30:41
23	A. Because Anthony introduced and me to	14:30:48
24		14:30:52
25	Q. Because Anthony was involved in the	14:30:54
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1	problem?	14:32:23
2	A	
		14:32:25
4	A. Yes.	14:32:27
5	Q. The next sentence says,	
		14:32:35
8	Do you see that?	14:32:39
9	A. Uh-huh.	14:32:40
10	Q. What does that mean?	14:32:40
11	A. Again, it's all about perception team.	14:32:41
12	They're the final customer for laser. And if the	14:32:43
13	perception team doesn't like the data, it doesn't	14:32:46
14	matter.	14:32:48
15	Q. Did solve these hard problems that	14:32:50
16	Anthony pointed out to them?	14:33:02
17	A. Not yet, or at least not to my knowledge.	14:33:03
18		14:33:08
19	Q. During I want to break this down. When	14:33:45
20	Otto was not yet acquired by Uber	14:33:49
21	A. Okay.	14:33:54
22	Q Mr. Levandowski was directly involved in	14:33:54
23	Otto's lidar development. Right?	14:33:59
24	A. Yes, I believe that's accurate.	14:34:02
25	Q. He provided design input on the whole stack	14:34:05
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1	of lidar development. Right?	14:34:09
2	MR. HUME: Objection to the form.	14:34:11
3	A. That isn't how tells me it went. But	14:34:13
4	he would have had involvement.	14:34:16
5	Q. What do you mean, "That isn't how tells	14:34:21
6	me it went"?	14:34:23
7	A. The Spider was essentially they acquired	14:34:26
8	Tyto, which is and his team, and took the Tyto	14:34:28
9	IP, the Tyto we call it a	
	That	14:34:35
11	was the Spider.	14:34:40
12	And Anthony's steer and guidance was, get	14:34:42
13	something built as fast as possible. We need a minimum	14:34:45
14	viable product as fast as possible. That was his	14:34:48
15	that was his jam.	14:34:51
16	Q. Are you aware that Anthony Levandowski	14:34:53
17	designed the optical layout for Spider?	14:34:54
18	A. I'm not aware of that.	14:34:57
19	Q. So you're not aware that he provided the	14:34:59
20	sketches that formed the basis for the optical design	14:35:02
21	of Spider?	14:35:04
22	A. I'm not aware of that.	14:35:07
23	Q. Did the Tyto lidar design	
		14:35:20
25	MR. HUME: Object to the form. Outside the	14:35:27
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1	scope.	14:35:28	
2	A. I don't remember.	14:35:29	
3	MR. HUME: Objection.	14:35:30	
4	A. I don't remember. I believe it did, but I do	14:35:33	
5	not remember.	14:35:35	
6	Q. You believe it did?	14:35:36	
7	A. I don't remember, though.	14:35:40	
8	Q. Where did the fiber laser		
	in Tyto come from?	14:35:48	
10	A. I thought it came from	14:35:50	
11	Q. Are you aware of any interaction between	14:35:52	
12	Mr. and Mr. Levandowski leading up to that	14:35:55	
13	development?	14:35:58	
14	A. I wasn't aware that and Anthony had	14:35:58	
15	ever met during Tyto.	14:36:01	
16	Q. Are you aware of that now?	14:36:03	
17	A. It has been brought to my attention	14:36:04	
18	Q. Did you	14:36:08	
19	A during this case.	14:36:08	
20	Q. Did you investigate, for purposes of	14:36:10	
21	testifying on behalf of the company with regard to 14:36:13		
22	topic number 1, Mr. Levandowski's contribution to the 14:36:3		
23	fiber laser design at Tyto?	14:36:24	
24	A. No, I didn't. We abandoned that design.	14:36:27	
25	Q. So you're not aware of you're not prepared	14:36:30	
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1	to testify regarding Mr. Levandowski's contribution to	14:36:33			
2	that design? 14:36:37				
3	A. Not beyond what and I had discussed,	14:36:39			
4	which was that Anthony's main contribution value-add	14:36:42			
5	was accelerant.	14:36:45			
6	Q. When he was at Tyto?	14:36:48			
7	A. I don't know about when he was at Tyto. When	14:36:49			
8	he was at Otto.	14:36:51			
9	Q. So Mr. omitted from your discussion	14:36:52			
10	the interactions that he had with Anthony Levandowski	14:36:56			
11	when he was at Tyto. Is that right?	14:36:58			
12	MR. HUME: Object to the form.	14:37:00			
13	A. I was not aware of them. We never discussed	14:37:01			
14	it directly.	14:37:04			
15	I don't know that you could say it was an	14:37:05			
16	omission. We just didn't talk about it.	14:37:06			
17	Q. And you're not aware of it, sitting here	14:37:08			
18	today?	14:37:11			
19	A. I'm not aware of the nature of Anthony's	14:37:11			
20	involvement in Tyto. I am aware that I've heard,	14:37:14			
21	through this, that there's been some sort that there	14:37:16			
22	was some sort of history, that Anthony knew Anthony	14:37:19			
23	knew Tyto.	14:37:23			
24	And and I had been to Tyto,				
	at Uber and met and	14:37:27			
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1	thought: Hmm, interesting, but I don't really think	14:37:31		
2	that's a good fit for us.	14:37:34		
3	And evidently, from what I've heard is	14:37:36		
4	that, around the same time, that there was some	14:37:38		
5	involvement with Anthony there, but I don't know the	14:37:40		
6	nature of it.	14:37:42		
7	Q. Did you are you aware that Tyto Lidar was	14:37:45		
8	working out of a building that Anthony Levandowski 14:37:47			
9	owned?	14:37:50		
10	A. I am not aware of that.	14:37:50		
11	Q. Are you aware that interviewed	14:37:51		
12	with Anthony Levandowski when he was going to get a job 14:37:54			
13	at Tyto?	14:37:57		
14	MR. HUME: Objection as outside the scope.	14:37:58		
15	A. I was not aware of that.	14:38:00		
16	Q. Are you aware that Anthony Levandowski drew a	14:38:02		
17	fiber laser design for when he was working 14:38:07			
18	at Tyto?	14:38:12		
19	MR. HUME: Objection as outside the scope.	14:38:13		
20	A. No. I'm not aware of that.	14:38:15		
21	Q. Does that surprise you?	14:38:17		
22	A. Anthony's one of the smartest people I've	14:38:23		
23	ever met. It doesn't surprise me that he has that	14:38:26		
24	capability. And Anthony knows a lot of people. So no,	14:38:28		
25	it doesn't surprise me.	14:38:31		
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1	Q. It doesn't surprise you that he was	14:38:35
2	designing or drawing fiber laser designs for other	14:38:39
3	companies that you didn't know he was involved in?	14:38:43
4	MR. HUME: Objection to the form. Objection	14:38:48
5	as outside the scope.	14:38:50
6	A. It does not.	14:38:52
7	Q. If he was employed as head of Uber ATG and he	14:38:53
8	were to go and design fiber laser schematics for	14:38:57
9	someone else, would that surprise you?	14:39:01
10	MR. HUME: Objection to the form. Objection	14:39:03
11	as outside the scope.	14:39:05
12	A. It would surprise me because we didn't have	14:39:07
13	that arrangement.	14:39:15
14	Q. What do you mean?	14:39:16
15	A. An arrangement where he would be doing design	14:39:17
16	work outside of Uber.	14:39:20
17	Q. None of the interactions between Anthony	14:39:24
18	Levandowski and Mr Mr. didn't mention 14:39:26	
19	any of them when you talked to him in preparation for 14:3	
20	your testimony on topic number 1, did he?	14:39:33
21	A. No, he didn't.	14:39:36
22	MR. HUME: Objection to form.	14:39:37
23	Q. Okay. Mr. did he disclose to you	14:39:38
24	any conversations that he had with Anthony Levandowski	14:39:44
25	regarding beam spacing?	14:39:47
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1	A. gave Anthony detailed specifications as	14:39:54
2	to what the beam spacing needed to be. I'm aware of	14:39:57
3	that.	14:40:02
4	Q. Did sorry.	14:40:02
5	A. I was aware of that.	14:40:03
6	Q. Did the beam spacings change as a result of	14:40:04
7	discussions with Anthony Levandowski?	14:40:08
8	A. I don't know.	14:40:11
9	Q. You didn't research that in preparation for	14:40:12
10	your testimony today?	14:40:14
11	A. I don't no, I did not.	14:40:15
12	Q. So you can't tell me, sitting here today,	14:40:17
13	whether Anthony Levandowski had any level of	14:40:19
14	contribution into the vertical beam spacings developed	14:40:22
15	by Uber and put into the Fuji lidar. Is that fair?	14:40:26
16	A. "Any contribution" is a very big descriptor.	14:40:33
17	A discussion could be considered a contribution.	14:40:40
18	Q. It could.	14:40:44
19	A. drove that aspect of our design.	14:40:45
20	Q. I appreciate that answer, but I'm just	14:40:51
21	trying I want to make sure I get an answer to this	14:40:53
22	specific question that I asked, which is: Sitting here	14:40:55
23	today on behalf of Uber and Otto, can you tell me	14:40:58
24	whether Anthony Levandowski contributed to the vertical	14:41:01
25	beam spacings that were eventually put into the Fuji	14:41:05
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		INOTILE CONTIDENTIAL - ATTORNETS LIES ONE	<u> </u>
1	lidar?		14:41:09
2	Α.	No, I can't tell you.	14:41:11
3	Q.	Okay. All right. Did you try to talk to	14:41:15
4	Anthony	Levandowski in preparation for your deposition	14:41:22
5	today?		14:41:24
6	A.	No, I did not.	14:41:25
7	Q.	Are you guys still on friendly terms?	14:41:27
8	A.	Yes, we are.	14:41:30
9	Q.	Why didn't you call him?	14:41:31
10			
			14:41:47
17		MR. HUME: Objection as outside the scope.	14:41:49
18			
			14:42:00
22		MR. HUME: Objection as outside the scope.	14:42:02
23			
			14:42:14
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1		
		14:42:21
3	Q. So we talked about Anthony's time Anthony	14:42:32
4	Levandowski's time at Otto.	14:42:36
5	And I believe you testified that you can't	14:42:39
6	say what level of contribution he had to lidar	14:42:42
7	development during that period. Is that fair?	14:42:45
8	MR. HUME: Objection to the form and to the	14:42:48
9	characterization of the testimony.	14:42:52
10	A. It's fair to say that we don't use anything	14:42:54
11	from that time in our current design.	14:42:56
12	Q. My question was a little bit different. Can	14:42:59
13	you tell me what was Anthony Levandowski's involvement	14:43:02
14	in the development of lidar when Otto was still,	14:43:06
15	ostensibly, a separate company?	14:43:10
16	A. The only thing I can give you is the	14:43:12
17	information from	14:43:14
18	Q. Other than that, you have	14:43:15
19	A. No.	14:43:16
20	Q. Now, going to going to at Uber	14:43:26
21	A. Okay.	14:43:29
22	Q what was Mr. Levandowski's involvement in	14:43:29
23	lidar?	14:43:40
24	A. I ran the lidar development program at Uber,	14:43:42
25	and Anthony's involvement would be fair to describe as	14:43:45
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1	limited to hallway conversations and enthusiastic ideas	14:43:50
2	about schedule and how can we do it simpler or faster.	14:43:55
3	MR. JAFFE: 893?	14:44:12
4	THE REPORTER: Yes.	14:44:14
5	MR. JAFFE: We'll mark this as Exhibit 893.	14:44:14
6	It's UBER76605.	14:44:16
7	(Whereupon, Deposition Exhibit 893 was marked	14:44:18
8	for identification.)	14:44:18
9	Q. Mr. Meyhofer, do you see that this reflects a	14:44:34
10	meeting invite for June 29, 2016?	14:44:36
11	A. Uh-huh.	14:44:41
12	Q. And you were the organizer of this meeting,	14:44:42
13	according to this invite that we marked as Exhibit 893?	14:44:47
14	A. Yes.	14:44:55
15	Q. And one of the people on this meeting is	14:44:57
16		14:44:59
17	A. It's TonyO.	14:45:05
18	Q. TonyO. I see.	14:45:06
19	Who does that refer to?	14:45:08
20	A. Anthony.	14:45:10
21	Q. And why did he go by "TonyO"?	14:45:11
22	A. I don't know, especially since he doesn't	14:45:17
23	like the name Tony. I don't know why.	14:45:20
24	Q. Why did he use this e-mail address instead of	14:45:22
25	his other e-mail addresses?	14:45:25
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1	MR. HUME: Objection as outside the scope.	14:45:29
2	Objection to the form. It calls for speculation.	14:45:31
3	A. At this point, that would likely have	14:45:35
4	appeared as an autofill when you typed "Anthony," and	14:45:38
5	it just used a previous e-mail address that referenced	14:45:42
6	against "Anthony."	14:45:45
7	Q. Was this address used to conceal Anthony	14:45:47
8	Levandowski's involvement with Uber?	14:45:50
9	MR. HUME: Objection as outside the scope.	14:45:53
10	A. No, not that I am aware of.	14:45:54
11	Q. Do you see that it reflected that someone	14:45:58
12	accepted this invitation, right above where it says	14:45:59
13	"Laser Beam Pattern Sync"?	14:46:08
14	A. Yes. Yes. Yes.	14:46:10
15	Q. Do you see it refers to someone called "ATC	14:46:12
16	Consultant"?	14:46:14
17	A. Yes.	14:46:14
18	Q. That, again, refers to Mr. Levandowski.	14:46:17
19	Right?	14:46:19
20	MR. HUME: Objection to form.	14:46:20
21	A. That's right.	14:46:20
22	Q. So he was going by a code name of "ATC	14:46:21
23	Consultant" for purposes of this meeting. Right?	14:46:24
24	A. No.	14:46:26
25	MR. HUME: Objection to the form.	14:46:27
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1	Q. Why doesn't it say "Anthony Levandowski"	14:46:27
2	here?	14:46:29
3	A. The ATC consultant is what he was when we	14:46:32
4	brought him on originally. He was a consultant. And	14:46:35
5	this e-mail address would have likely had that	14:46:38
6	descriptor pointed to that address. And so when he	14:46:44
7	accepted it, it just autofills that descriptor.	14:46:47
8	Q. And he used the name TonyO, even though he	14:46:52
9	didn't like the name Tony?	14:46:56
10	MR. HUME: Objection as outside the scope.	14:46:58
11	A. I don't know how he came up with "TonyO."	14:46:59
12	Q. What does "O" refer to?	14:47:02
13	MR. HUME: Objection. Outside the scope.	14:47:04
14	A. I don't know.	14:47:05
15	Q. Let's talked about the actual meeting here,	14:47:08
16	that you scheduled on June 20, 2016 [sic] with	14:47:10
17	Mr. Levandowski.	14:47:14
18	Why did you schedule this meeting?	14:47:16
19	MR. HUME: Objection. Outside the scope.	14:47:22
20	A. Probably to get us synced and all on the same	14:47:26
21	page.	14:47:31
22	is mechanical engineering lead who	14:47:32
23	reported to me and would have been doing the design	14:47:37
24	work actually, he wouldn't have been doing the	14:47:43
25	design work.	14:47:47
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1	I don't recall.	14:47:48
2	Q. What did you and Mr. Levandowski discuss	14:47:50
3	during the laser beam pattern sync?	14:47:52
4	A. I don't recall the meeting.	14:47:56
5	MR. JAFFE: All right. This will be	14:48:29
6	Exhibit 894. It is UBER65221.	14:48:31
7	(Whereupon, Deposition Exhibit 894 was marked	14:48:39
8	for identification.)	14:48:39
9	Q. This refers to a meeting called "Birdhouse	14:48:55
10	Jam" on February 23, 2017. Is that right?	14:48:58
11	A. Yes, it does.	14:49:07
12	Q. All right. And if we can go back to	14:49:09
13	Exhibit 886 for a moment	14:49:12
14	A. Yes.	14:49:20
15	Q what I referred to as the lidar log	14:49:21
16	earlier, if you go to it's not on here.	14:49:25
17	What happened at this meeting	14:49:58
18	MR. HUME: Objection. Outside the scope.	14:50:00
19	Q Exhibit 844?	14:50:01
20	A. 894?	14:50:04
21	Q. 894. Excuse me. Thank you.	14:50:06
22	MR. HUME: Objection. Outside the scope.	14:50:09
23	A. Birdhouse jam was a recurring meeting that TK	14:50:11
24	held, or Travis held.	
		14:50:20
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1		
		14:50:37
5	Birdhouse jam was a strategic jam session	14:50:37
6	where we would get together and talk about ideas on how	14:50:43
7	to bring this technology to scale,	
		14:51:12
12	Q. Did you discuss lidar at these birdhouse jam	
13	meetings?	14:51:21
14	A. From time to time, Travis would ask me where	14:51:22
15	we were on lidar, yeah.	14:51:28
16	Q. Travis would ask Travis Kalanick would ask	14:51:29
17	you where you were on lidar?	14:51:33
18	A. Where I was, yes.	14:51:35
19	Q. Why would Travis Kalanick, the then CEO of	14:51:36
20	Uber, be asking you about the status of lidar?	14:51:41
21	A. I mean, he asked me about the status of a	14:51:47
22	as well. He asked it was the time	14:51:52
23	where we got together and talked about the components	14:51:57
24	of the vehicle and how they would	14:52:00
25	Q. Lidar was an important component. Is that	14:52:03
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1	fair?	14:52:05
2	A. It was and it is an important component.	14:52:06
3	Q. It's important enough that the CEO of Uber	14:52:09
4	was going to ask you about it?	14:52:12
5	A. The CEO of Uber asks me about my dog, too.	14:52:19
6	Q. So that doesn't answer my question at all,	14:52:25
7	not to denigrate your dog at all, but lidar is	14:52:27
8	important enough that the CEO was asking you about it?	14:52:34
9	MR. HUME: Objection to form.	14:52:39
10	A. Yes. It is important enough that we discuss	14:52:43
11	it in the jam session, yes.	14:52:45
12	Q. And the CEO specifically asked you about it.	14:52:47
13	He raised it. That's what you said. Right?	14:52:50
14	A. We would discuss it, yes.	14:52:53
15	Q. And Travis Kalanick, the CEO then CEO of	14:52:54
16	Uber, he would bring up lidar?	14:52:58
17	MR. HUME: Objection to form. Objection as	14:53:00
18	outside the scope as well.	14:53:04
19	A. I don't know, necessarily, if he would bring	14:53:08
20	it up or if I would bring it up, but we would discuss	14:53:09
21	it.	
		14:53:22
24	Q. Did Anthony Levandowski ever provide input	14:53:25
25	regarding lidar during these meetings?	14:53:28
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1	A. He would usually defer to me. He has a sense	14:53:34
2	of optimism when he would discuss schedules or time	14:53:43
3	lines, and he and I wouldn't necessarily agree because	14:53:47
4	I didn't have that optimism. So Anthony and I would	14:53:50
5	have you know, we would discuss it at the same time,	14:53:54
6	yes.	14:53:56
7	Q. So both you and Anthony Levandowski would	14:53:57
8	discuss lidar with Travis Kalanick at these birdhouse	14:54:00
9	jam meetings. Is that fair?	14:54:05
10	MR. HUME: Objection to form.	14:54:07
11	Go ahead.	14:54:07
12	A. It isn't fair to characterize it that way.	14:54:08
13	That sounds like it's something we would do.	14:54:12
14	It had occurred from time to time. It wasn't	14:54:13
15	a theme.	14:54:16
16	Q. Okay. Well, then, I'll try to state it a	14:54:18
17	different way.	14:54:20
18	From time to time, you, Anthony Levandowski,	14:54:21
19	and Travis Kalanick would discuss lidar at these	14:54:23
20	birdhouse jam meetings?	14:54:28
21	A. That's right.	14:54:30
22	Q. Is that fair?	14:54:30
23	A. Yes.	14:54:31
24	Q. When did that start?	14:54:36
25	A. Birdhouse?	14:54:37
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1	Q. And these discussions regarding lidar.	14:54:38
2	A. I have no I don't know. Birdhouse	14:54:42
3	meetings were typically late. They typically ran a	14:54:44
4	long time, and we did them for quite a while. And I	14:54:48
5	have since discontinued doing them because the audience	14:54:55
6	got too big and it got too scattered. We started to	14:54:59
7	talk about things that were just a waste of time.	14:55:04
8	I don't remember when birdhouse meetings	14:55:12
9	started, and I ended them probably three months ago,	14:55:14
10	four months ago.	14:55:18
11	MR. JAFFE: All right. This will be 895,	14:55:21
12	UBER11976.	14:55:22
13	(Whereupon, Deposition Exhibit 895 was marked	14:55:27
14	for identification.)	14:55:27
15	Q. This is a calendar invite for something	14:55:46
16	called a "Ladar planning meeting." Do you see that?	14:55:47
17	A. Uh-huh.	14:55:50
18	Q. What was the Ladar planning meeting?	14:55:51
19	Α.	
		14:56:24
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1		14:56:27
2	I don't know what this meeting was. That's	14:56:32
3	what I'm guessing, based on this audience.	14:56:35
4	Q. I hear you guessing. I want to talk about	14:56:37
5	I want to take guessing out of this, if that's all	14:56:41
6	right.	14:56:44
7	A. I don't remember this meeting.	14:56:44
8	Q. Okay. So let me ask my question again. What	14:56:46
9	was the Ladar planning meeting about that's reflected	14:56:50
10	here in Exhibit 895?	14:56:54
11	MR. HUME: Objection. Beyond the scope.	14:56:56
12	A. I don't remember. It was likely about lidar	14:56:58
13	sim, but I don't recall.	14:57:00
14	Q. Why was Mr. Levandowski invited to this	14:57:02
15	meeting?	14:57:04
16	A. I don't remember.	14:57:06
17	Q. What did Mr. Levandowski contribute to this	14:57:07
18	meeting?	14:57:10
19	A. I don't remember.	14:57:11
20	MR. JAFFE: You can put that aside.	14:57:14
21	This will be 896. It's UBER65164.	14:57:23
22	(Whereupon, Deposition Exhibit 896 was marked	14:57:40
23	for identification.)	14:57:40
24	Q. Mr. Meyhofer, do you see I've marked as	14:57:48
25	Exhibit 896 a document that reflects a meeting invite	14:57:50
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1	f D	h 01 00160	14 57 56
1	ror necem	ber 21, 2016?	14:57:56
2	Α.	Uh-huh. I do see that.	14:58:00
3	Q.	And the subject is,	
			14:58:05
5	Α.	Yes.	14:58:06
6	Q.	What was this meeting about?	14:58:08
7	Α.	This meeting would be about	
			14:58:26
11	Q.	Including lidar?	14:58:28
12	Α.	Absolutely.	14:58:31
13	Q.	So this was a meeting between Anthony	14:58:32
14	Levandows	ki, you, Travis Kalanick, and	14:58:36
15	Α.		14:58:42
16	Q.	And another person, Mr.	
			14:58:47
18	Q.	You were discussing the	
			14:58:52
20	Α.	G.	14:58:56
21	Q.	platform?	14:58:56
22	А.	Yes. the technical program manager.	14:58:57
23		was vehicle programs manager.	14:59:00
24	Q.	What information did Anthony Levandowski	14:59:05
25	contribut	e to this meeting regarding the sensor suite	14:59:08
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1	for lidar?	14:59:10
2	A. None.	14:59:11
3	Q. "None"?	14:59:11
4	A. I would imagine none.	
		14:59:19
7	Q. So you said, "None," and then you said, "I	14:59:24
8	would imagine none."	14:59:26
9	I just want to make clear: Do you remember	14:59:27
10	him providing none, or are you imaging that?	14:59:28
11	A. I'm not imagining it. There would be no	14:59:31
12	information for him to provide. That's not what this	14:59:34
13	discussion would be about.	14:59:37
14	Q. Okay. So for this meeting, you know that	14:59:37
15	Anthony Levandowski provided no information regarding	14:59:40
16	lidar. Is that correct?	14:59:45
17	A. That's not correct.	14:59:46
18	Q. That's not correct?	14:59:47
19	A. Given this this attendee list and our	14:59:49
20	topics of discussion, there would be no reason for him	14:59:52
21	to discuss lidar.	14:59:54
22	Q. Okay. So maybe I maybe I misspoke.	14:59:57
23	So my question is: For the meeting here,	14:59:59
24	this meeting, 896, you know that Anthony Levandowski	15:00:01
25	provided no information regarding lidar. Is that fair?	15:00:08
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1	A. I don't remember him providing any	15:00:12
2	information about lidar at that meeting. I don't have	15:00:13
3	a written transcript of that meeting, so I can't say	15:00:17
4	that I know.	15:00:19
5	MR. HUME: When next convenient, I'd like to	15:00:51
6	take a break.	15:00:52
7	MR. JAFFE: I'm sorry?	15:00:56
8	MR. HUME: When next convenient, I'd like to	15:00:56
9	take a break	15:00:56
10	MR. JAFFE: I'll just do one quick follow-up	15:00:57
11	here you know what; we can actually we can	15:01:02
12	take a break now.	15:01:11
13	THE VIDEOGRAPHER: This is ends media	15:01:14
14	number 4. Going off the record, the time is	15:01:15
15	3:00 p.m.	15:01:18
16	(Recess taken.)	15:21:16
17	THE VIDEOGRAPHER: This begins media	15:21:20
18	number 5. Going on the record, the time is	15:21:21
19	3:21 p.m.	15:21:22
20	BY MR. JAFFE:	15:21:23
21	Q. When we last left off, we were talking about	15:21:30
22	Anthony Levandowski's involvement in the development of	15:21:34
23	lidar at Uber.	15:21:38
24	Do you recall that?	15:21:39
25	A. Yes.	15:21:41
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1	Q. Let me just ask generally: What design	15:21:46
2	elements did Anthony Levandowski contribute regarding	15:21:50
3	lidar at Uber?	15:21:55
4	A. Design elements he doesn't run CAD. He	15:22:00
5	doesn't do detailed design work.	15:22:02
6	He I would I would describe it as	15:22:06
7	largely a the kind of coaching that keeps your eye	15:22:12
8	on the ball and meaning pay attention to milestones,	15:22:18
9	set milestones; they better be aggressive, keep the	15:22:25
10	team pushed, was sort of the way he operated.	15:22:34
11	But as far as lidar, like I said, as soon as	15:22:37
12	we acquired Otto, I took the lidar. Team, all of	15:22:40
13	hardware went to me. So Anthony's involvement was	15:22:44
14	typically indirect and not formal, if there was.	15:22:48
15	And then, with the change, that was kind	15:22:53
16	of like the I would mark the clearest end of his	15:22:59
17	you know, it just became super obvious that he wasn't	15:23:05
18	going to be doing what he was a fan, and I was	15:23:10
19	an fan, and the team was a fan. We had been	15:23:15
20	doing 9 work all this time. And then, you know, with	15:23:20
21	the Spider at there was kind of like a conflict.	15:23:24
22	And it ended up that we went the direction that the	15:23:27
23	team and I thought was the right direction, and it just	15:23:30
24	kept minimizing his involvement.	15:23:34
25	And things got so busy. And as head of ATG,	15:23:35
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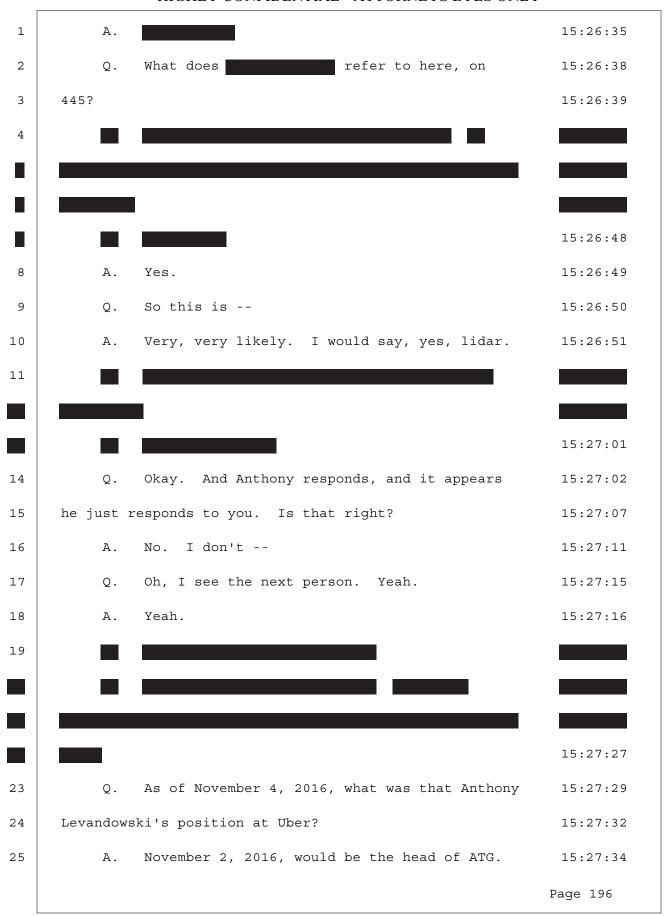
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1	it's really, really difficult to spend any detailed	15:23:39
2	design work on anything.	15:23:43
3	While we were away, I got an e-mail text	15:23:44
4	message from someone that I was invited to a meeting to	15:23:48
5	do some sort of interior design selection on the	15:23:51
6	Volvos. And another person said, I don't even know why	15:23:54
7	this has made it to you.	15:23:57
8	You know, it's not normal to be involved in	15:23:59
9	detail design work. As much as people love it and	15:24:01
10	engineers, at heart, love it, you have to kind of	15:24:05
11	have to give that up at that role.	15:24:08
12	MR. JAFFE: All right. I'm going to mark	15:24:15
13	I'm just going I think I'm just going to mark	15:24:16
14	these all together. Hopefully, this will go	15:24:19
15	quicker. It's UBER86445, 6, and 7. And we'll	15:24:19
16	mark it as	15:24:31
17	THE REPORTER: 897.	15:24:35
18	MR. JAFFE: Exhibit 897.	15:24:36
19	Thank you.	15:24:38
20	(Whereupon, Deposition Exhibit 897 was marked	15:24:38
21	for identification.)	15:24:38
22	Q. Mr. Meyhofer, do you see what I've marked as	15:25:24
23	Exhibit 897?	15:25:26
24	A. Yes, I do.	15:25:28
25	MR. HUME: All three pages?	15:25:29
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_		
1	MR. JAFFE: Yes.	15:25:30
2	A. It's, I think, one conversation. Is that	15:25:30
3	right.	15:25:32
4	Q. That's my interpretation of it, and,	15:25:33
5	actually, I marked them together for that reason.	15:25:34
6	But you're one of the people on text message	15:25:38
7	thread. Right?	15:25:41
8	A. I'm, I think, the only person. Just Anthony	15:25:42
9	and me.	15:25:45
10	Q. Right. And so can you tell me: Is this one	15:25:46
11	conversation, the three texts I've marked as	15:25:49
12	Exhibit 897?	15:25:52
13	A. Oh, this isn't me and Anthony only. There's	15:25:53
14	another person.	15:25:56
15	Q. Who's the other person?	15:25:57
16	A. The number.	15:26:01
17	If I had my phone, I could punch it in and	15:26:11
18	see. Would you like me to get it?	15:26:13
19	Q. Let's just talk about it really quickly,	15:26:15
20	which is, if you look at the one ending in page 445,	15:26:18
21	this unknown person says,	
		15:26:25
23	Do you see that?	15:26:27
24	A. Yes, I do.	15:26:28
25	Q. The response, which is 86446, is	15:26:30
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1		
		15:27:45
4	A. He is making a design recommendation. I	15:27:47
5	don't know that it was implemented.	15:27:49
6		
	but	15:27:59
10	Q. That's how	
	as.	15:28:13
14	These are so far out of context it's hard to	15:28:16
15	kind of you know.	15:28:18
16	But yes, it is evidence that suggests his	15:28:20
17	work he's doing work on lidar. Correct.	15:28:22
18	Q. Okay. So what is the context for	15:28:25
19	Exhibit 897?	15:28:27
20	A. I don't remember this. But, you know, just	15:28:29
21	like I said earlier, I was just asked to be in a	15:28:30
22	seating configuration meeting. It was invite and a	15:28:33
23	text. I won't even go to the meeting, but it would be	15:28:35
24	construed as if I were making seating design decisions	15:28:39
25	in the car, though I'm not.	15:28:43
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1	Q. For purposes of Exhibit 897, Anthony	15:28:44
2	Levandowski he responded with a	
		15:28:50
4	A. He did, yes.	15:28:51
5	Q. And the first text in this thread seems to	15:28:53
6	refer to	
	Would you agree that's a	15:29:00
8	reasonable inference?	15:29:03
9	MR. HUME: Objection to the form.	15:29:04
10	A. Which one? This one?	15:29:05
11	Q. The one ending 445.	15:29:06
12	A. Yes. It does it does it does seem to	15:29:09
13	suggest that, yes.	15:29:22
14	Q. So Anthony Levandowski, as far as late as	15:29:28
15	November 4, 2016 was	
	Is that	15:29:39
17	right?	15:29:43
18	MR. HUME: Objection to the form.	15:29:44
19	A. That is what he's doing here, yes.	15:29:47
20	MR. JAFFE: Okay. Let's mark as Exhibit 898	15:29:48
21	something labeled UBER76288.	15:29:54
22	(Whereupon, Deposition Exhibit 898 was marked	15:29:57
23	for identification.)	15:29:57
24	Q. Exhibit 898 is an e-mail from Anthony	15:30:12
25	Levandowski to you, dated February 5, 2017.	15:30:15
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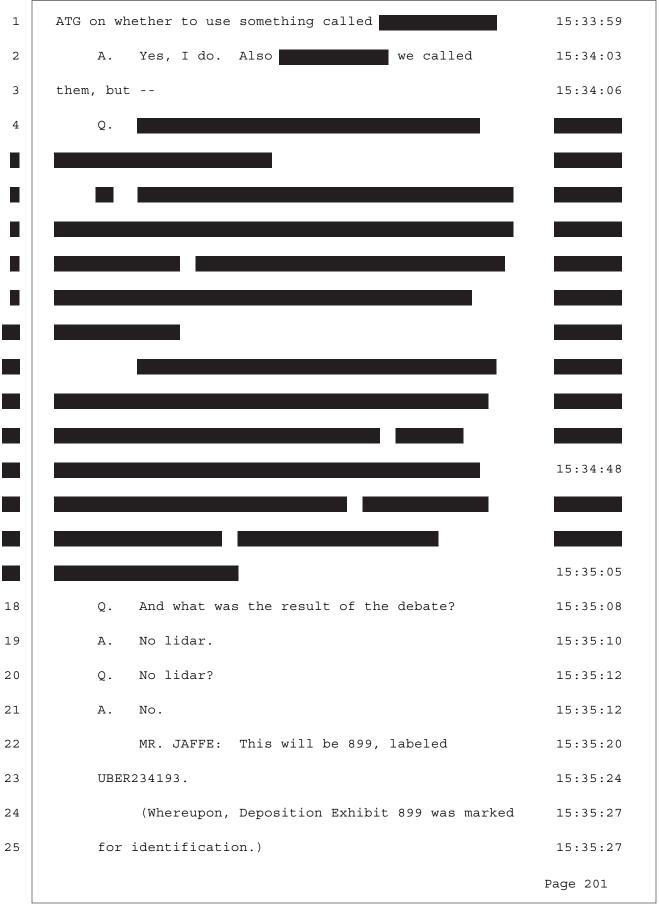
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1	Do you see that?	15:30:18
2	A. Uh-huh.	15:30:19
3	Q. At this point, February 5, 2017, what is	15:30:20
4	Anthony Levandowski's position at Uber?	15:30:24
5	A. Head of ATG yes, still head. Still head	15:30:30
6	at the time.	15:30:33
7	Q. And the e-mail says,	
		15:30:38
9	And the subject line is,	
		15:30:47
11	Do you see that?	15:30:49
12	A. I do.	15:30:49
13	Q. What is "	15:30:50
14	Mr. Levandowski's referring to here in Exhibit 898?	15:30:53
15	A. Do we have the screenshot?	15:30:58
16	Q. I do not have that.	15:31:00
17	A. I don't remember specifically about this	15:31:04
18	text,	
		15:31:08
20	Q. Why was Anthony Levandowski, the head of ATG,	15:31:13
21	texting you to	15:31:17
22	A. So there's a screenshot, which means he	15:31:22
23	probably walked by someone's desk and saw something	15:31:25
24	that he saw as, took a shot of it and texted	15:31:27
25	it to me and said you know, maybe we had discussed	15:31:31
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1		
	and asked	15:31:38
3	me where we are on it, try it out.	15:31:47
4	Q. This is another example of Anthony	15:31:51
5	Levandowski being involved in some of the day-to-day	15:31:53
6	engineering of the Fuji lidar. You agree with that.	15:31:56
7	Right?	15:32:00
8	MR. HUME: Object to form. Characterization.	15:32:01
9	A. I'm assuming that this has to do with Fuji.	15:32:06
10	I don't know.	
		15:32:24
17	Q. So this is so this is just well, let me	15:32:24
18	actually restate that then.	15:32:27
19	So is this another example of Anthony	15:32:30
20	Levandowski being involved in some of the day-to-day	15:32:32
21	engineering with regard to lidar at Uber?	15:32:35
22	A. That's fair to say.	15:32:37
23	Q. And this is in February 2017?	15:32:38
24	A. Correct.	15:32:40
25	Q. All right. Do you remember a debate within	15:32:41
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1	Q. Remember when we were talking, earlier, about	15:35:40
2	whether you had your awareness of the deal regarding	15:35:43
3	Otto? Do you recall that we talked about that earlier?	15:35:47
4	A. I do. Uh-huh.	15:35:54
5	Q. So what I'd like to look at in this	15:35:55
6	document well, first, did you end up hiring this	15:36:04
7	person?	15:36:14
8	A. Yes.	15:36:17
9	Q. This is an e-mail thread describing her job	15:36:17
10	description, or his job description, in early	15:36:20
11	January 2016. Is that right?	15:36:23
12	A. Yes.	15:36:25
13	Q. And at some point, you write an e-mail to	15:36:26
14		15:36:31
15	On January 13, 2016, what was	15:36:32
16	position at Uber?	15:36:35
17	A. January 13	15:36:37
18	MR. HUME: I'm going to object as outside the	15:36:39
19	scope, this e-mail and line of questioning.	15:36:40
20	A I think is still head of ATC head	15:36:44
21	of ATC at this point.	15:36:47
22	Q. Okay. And here, on the bottom of the first	15:36:49
23	page, ending in 193, an e-mail from you, dated	15:36:51
24	January 13, 2016, you respond to and you	15:36:55
25	say,	15:36:59
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1		15:37:02
2	Do you see that?	15:37:04
3	A. Uh-huh.	15:37:04
4	Q. What was the you were	15:37:06
5	referring to here?	15:37:07
6	MR. HUME: Objection as outside the scope.	15:37:09
7	A. Ah, yes. So I was aware that	
	were building a specification for a potential	15:37:22
9	laser supplier, and would not disclose any	15:37:28
10	information about it.	15:37:32
11	Q. You're referring to work with	15:37:36
12	what became Otto as his	15:37:38
13	A. As it turns out, yes, that is what it is,	15:37:42
14	yeah.	15:37:44
15	Q. Okay. And then, after he says, no need to	15:37:45
16	wait, you then respond a little bit later in the	15:37:48
17	10:40 a.m. e-mail you say,	
		15:37:55
19	Do you see that?	15:37:58
20	A. Uh-huh.	15:37:59
21	Q. What did you mean by	15:38:00
22	A. Right. This is the thing that and	15:38:02
23	was building a laser specification for	15:38:05
24	I didn't know the specifics of it. And is an	15:38:07
25	optics person. And I wasn't sure if we were going to	15:38:13
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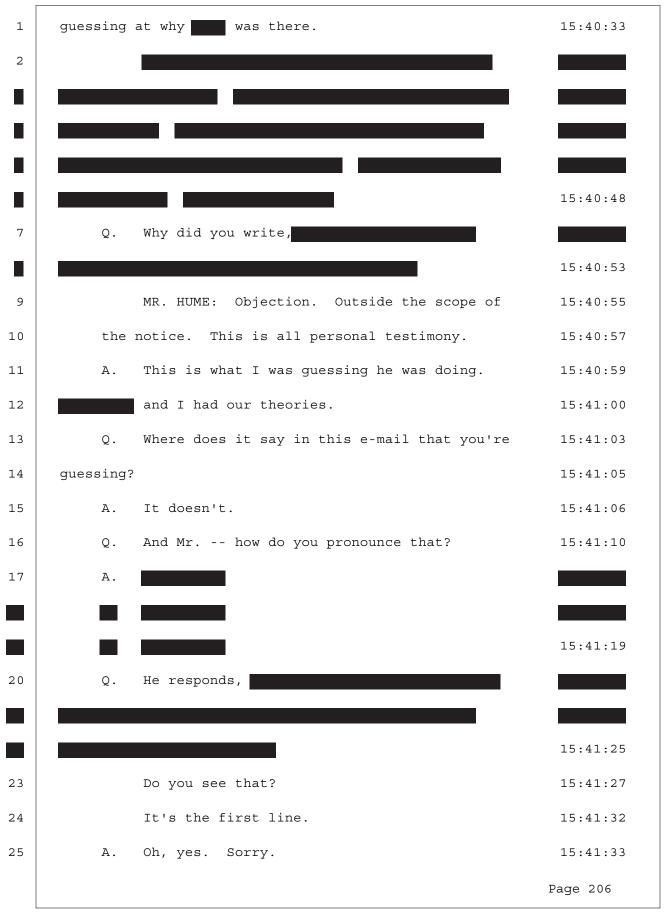
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1	need to bring in more optics people or not based on	15:38:17
2	what was doing.	15:38:22
3	Q. The laser deal that's referred to here,	15:38:23
4	that's referring to acquiring Otto. Right?	15:38:25
5	A. It is not. It is what it ends up being. But	15:38:28
6	to me, at that time when I wrote that, it was I	15:38:32
7	thought they were working with a supplier to acquire or	15:38:34
8	have them build a laser for us.	15:38:37
9	Q. I see. So the laser deal ended up being the	15:38:39
10	Otto acquisition?	15:38:44
11	MR. HUME: Objection to the form. Objection.	15:38:46
12	Outside the scope.	15:38:48
13	A. What I'm referring to here as the "laser	15:38:49
14	deal" was, in fact, the Otto acquisition.	15:38:51
15	Q. Okay.	15:38:57
16	A. But I didn't know that that's what it	15:39:00
17	actually was at the time.	15:39:04
18	Q. You didn't know that's what it was at the	15:39:12
19	time?	15:39:14
20	A. I didn't know it was Otto. I thought it was	15:39:15
21	the supplier arrangement had been working on	15:39:17
22	with That's how it was messaged to me.	15:39:20
23	Q. You didn't know that he was looking at	15:39:23
24	acquiring a lidar company?	15:39:25
25	A. No.	15:39:27
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1		MR. HUME: Objection. Outside the scope.	15:39:27
2	Α.	No.	15:39:29
3		MR. JAFFE: So this is going to be Exhibit	15:39:30
4	900.		15:39:31
5		(Whereupon, Deposition Exhibit 900 was marked	15:39:32
6	for i	dentification.)	15:39:32
7	Q.	So this is an e-mail thread, on the same	15:39:48
8	thread abo	ut that Mr. And do you see that there	15:39:50
9	is an e-ma	il in the middle from you, dated January 12,	15:39:53
10	2016?		15:39:57
11		Do you see that?	15:39:57
12	Α.	Uh-huh.	15:39:58
13	Q.	And that's the day before you sent the e-mail	15:39:59
14	regarding	Right?	15:40:02
15	Α.	Uh-huh. I guess, yeah. Yes.	15:40:06
16	Q.	And here, on January 12, you say,	
			15:40:17
19		Do you see that?	15:40:20
20	Α.	I do.	15:40:20
21	Q.	You knew that Mr. was looking at	15:40:23
22	acquiring	a lidar company as of January 12?	15:40:25
23	Α.	Absolutely not.	15:40:29
24	Q.	What does this refer to?	15:40:30
25	Α.	This would have been me speculating or	15:40:32
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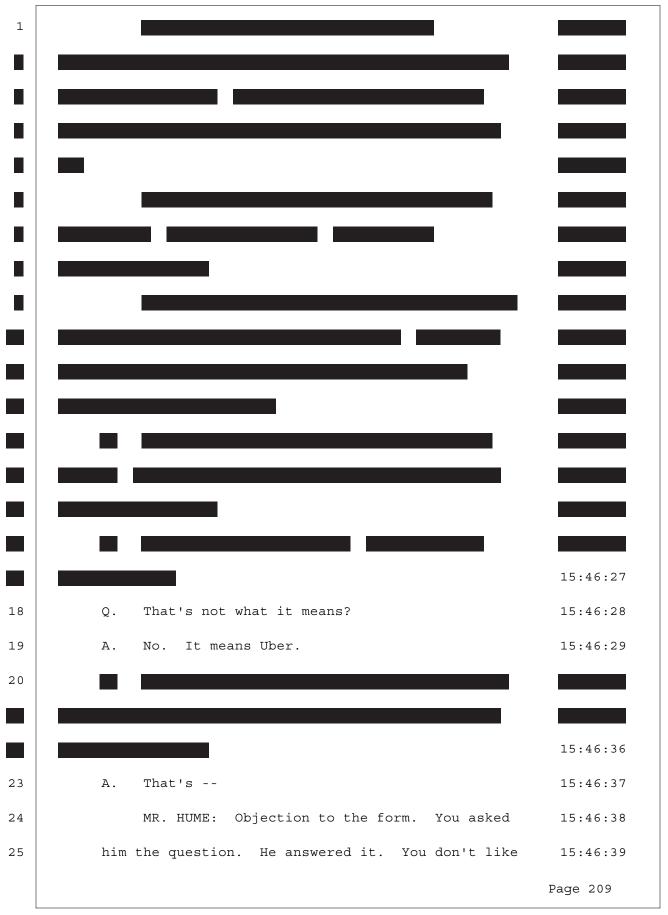
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1	Q. That's referring to what became the Otto	15:41:35
2	acquisition. Right?	15:41:38
3	MR. HUME: Objection. Outside the scope.	15:41:39
4	A. I think so.	15:41:41
5	Q. And in your e-mail, you the "lidar company	15:41:42
6	acquisition," that's referring to the Otto acquisition.	15:41:47
7	Right?	15:41:49
8	A. As it turned out, yes.	15:41:52
9	MR. JAFFE: Okay. You can set that aside.	15:41:54
10	This will be Exhibit 901. It's UBER129455.	15:43:44
11	(Whereupon, Deposition Exhibit 901 was marked	15:43:51
12	for identification.)	15:43:51
13	Q. This is an e-mail from Mr. to yourself	15:44:07
14	and Mr. Is that right?	15:44:10
15	A.	15:44:12
16	Q. Excuse me.	15:44:13
17	A. Uh-huh no. This is oh, from to	15:44:14
18	me and Yeah. Sorry.	15:44:18
19	Q. This is memorializing a birdhouse lidar	15:44:21
20	discussion from September 19, 2016. Is that right?	15:44:24
21	A. Uh-huh. Looks to be, yes.	15:44:27
22	Q. And at this point, what is your role at Uber,	15:44:33
23	as of the date of this e-mail and this meeting?	15:44:35
24	A. Head of hardware.	15:44:40
25	Q. And what is Anthony Levandowski's role as of	15:44:44
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1	September	20, 2016?	15:44:47
2	Α.	Head of ATG.	15:44:48
3	Q.	Okay. So and if you look at the first	15:44:49
4	bullet, i	t refers to "TK." Who does that refer to?	15:44:53
5	А.	Travis Kalanick.	15:44:56
6	Q.	So Mr. Kalanick was at this birdhouse lidar	15:44:57
7	discussic	on meeting?	15:45:01
8	Α.	He was always at birdhouse.	15:45:02
9	Q.	And this is reflects that he was involved in	15:45:03
10	participa	ting in a lidar discussion?	15:45:07
11	Α.	That's correct.	15:45:09
12	Q.	I want to specifically look at the fifth	15:45:14
13	bullet.		15:45:20
14		Do you see that?	15:45:22
15	Α.	Uh-huh.	15:45:22
16	Q.	It says,	
			15:45:28
18	Α.	Uh-huh.	15:45:29
19	Q.	Do you see that?	15:45:29
20	Α.	Uh-huh.	15:45:30
21	Q.	What does that refer to?	15:45:30
22			
			15:45:41
			Page 208

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1	the answer.	15:46:41
2	A. If I say if I use the pronounce "I" in the	15:46:42
3	context of something Uber related, I don't actually	15:46:45
4	mean me. I mean Uber.	15:46:47
5		
		15:46:53
7	Q. So if you look a few bullets up, the second	15:46:57
8	bullet says,	15:47:00
9	A. Uh-huh.	15:47:06
10	Q. So doesn't this indicate that, when Mr.	15:47:06
11	was trying to write this e-mail, he knew how to specify	15:47:11
12	the company versus the person?	15:47:15
13	A. Otto is owned by Uber.	15:47:18
14	Q. Right.	
		15:47:31
19	Q. In the here, that next	15:47:34
20	bullet	15:47:37
21	Do you see that?	15:47:41
22		
		15:47:49
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1			
			15:47:57
6	Α.	Yes. Yes. Yes.	15:47:57
7	Q.	Do you see the information included in there?	15:47:59
8	Α.	Uh-huh.	15:48:03
9	Q.	Did that come from Anthony?	15:48:03
10	А.	These are s notes from the meeting.	15:48:05
11	And by "t	ciming," he means schedule, like when things	15:48:08
12	could be	done.	15:48:11
13	Q.	So did this information from that meeting	15:48:16
14	did that	come from Anthony Levandowski?	15:48:17
15	А.	It's unlikely, but	15:48:22
16	Q.	Who else would it have come from?	15:48:25
17	А.	It would have come from someone else at the	15:48:27
18	meeting.	There would be 15 people in these meetings.	15:48:29
19		But it could have come from Anthony. I can't	15:48:32
20	recall wh	nere that information came from.	15:48:34
21	Q.	And the last bullet sales,	
		"	15:48:43
24		Do you see that?	15:48:45
25	Α.	Uh-huh.	15:48:45
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1	Q. Why would Anthony Levandowski, the head of	15:48:46
2	ATG, want to see technical details regarding a lidar	15:48:48
3	product?	15:48:51
4	A. So this is likely about the	15:48:51
5	And this was a point of, again, contention	15:48:57
6	between Anthony and myself,	
		15:49:09
9	I'm assuming that's what this is about. It	15:49:11
10	was a debate.	15:49:13
11	Q. I want to turn to topic number 3 in Waymo's	15:50:07
12	deposition notice.	15:50:16
13	A. Uh-huh.	15:50:17
14	Q. Actually, before we get there, am I correct,	15:50:25
15	for topic number 1, that you are not prepared today to	15:50:27
16	testify regarding Mr. Levandowski's involvement in the	15:50:30
17	development of lidar on behalf of Otto?	15:50:33
18	A. It depends on the question.	15:50:43
19	Q. Right. So my question is: On behalf of	15:50:45
20	are you prepared today to testify regarding Anthony	15:50:49
21	Levandowski's involvement in the development of lidar	15:50:52
22	at Otto before it was acquired by Uber?	15:50:55
23	A. No.	15:51:00
24	Q. All right. So now, let's go to topic	15:51:02
25	number 3.	15:51:06
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1	follow-up?	16:56:08
2	MR. JAFFE: Yeah. I mean, that's what I had	16:56:10
3	said before. So that's fine, if you want to do it	16:56:13
4	that way.	16:56:15
5	MR. HUME: I'll be very brief.	16:56:18
6	EXAMINATION	16:56:19
7	BY MR. HUME:	16:56:20
8	Q. Mr. Meyhofer, topic 1 is Mr. Levandowski's	16:56:21
9	involvement in the development of lidar on behalf of	16:56:24
10	Uber or Ottomotto.	16:56:27
11	I believe counsel for Waymo asked you if you	16:56:29
12	recall reviewing any documents in preparing to testify	16:56:32
13	on that.	16:56:36
14	Do you recall being asked that, generally?	16:56:37
15	A. I do recall that.	16:56:42
16	Q. Do you recall now do you recall whether	16:56:43
17	you reviewed or brought any documents relating to this	16:56:44
18	topic to your deposition?	16:56:50
19	A. I did bring a document.	16:56:55
20	Q. What document did you bring?	16:57:05
21	A. It is an interrogatory. I don't know how to	16:57:06
22	read the numbers on these. It describes	16:57:13
23	Should I read it or should I share it, or	16:57:30
24	how what	16:57:32
25	Q. Can you describe what you brought and why you	16:57:34
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1	brought it.	16:57:36
2	A. It discusses that Mr. Levandowski did not	16:57:42
3	provide beam spacing or angles for Spider but, again,	16:57:46
4	instead, asked Mr. to provide the desired beam	16:57:49
5	pattern parameters, which were ultimately used.	16:57:54
6	Q. Can you tell can you say what you're	16:57:59
7	reading from?	16:58:01
8	A. I'm reading from page 4.	16:58:01
9	Q. Why did you bring that document?	16:58:18
10	A. It discusses the nature of the development of	16:58:27
11	our requirements and Anthony's involvement or lack of	16:58:31
12	involvement and demonstrates Boehmke's contributions.	16:58:35
13	Q. Have you reviewed pages 4 through 5	16:58:45
14	sorry pages 3, 4, and 5 of this document?	16:58:52
15	A. Yes.	16:58:56
16	Q. Did you review them prior to the deposition?	16:58:58
17	A. Yes.	16:59:00
18		
		16:59:26
24	Q. What does court interrogatory number 3 ask,	16:59:30
25	on page 3 of the document?	16:59:35
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1	A. To identify and describe, in approximate	16:59:38
2	chronological sequence, all lidar work Anthony had done	16:59:41
3	since leaving Waymo, including whether or not the work	16:59:44
4	led to or related to any prototype and describe how	16:59:46
5	or where that work was reflected.	16:59:51
6	Q. And then, do pages 3 through 6 provide the	16:59:54
7	answer to that?	16:59:57
8	A. It does. Should I read them?	16:59:58
9	Q. I'm not asking you to read it into the	17:00:02
10	record. Counsel for Waymo may want you to. I don't	17:00:03
11	know.	17:00:07
12	But I'm asking you whether you've reviewed	17:00:07
13	that answer, and, if so, do you believe it to be	17:00:09
14	accurate?	17:00:12
15	A. I do. I have reviewed it, and I do believe	17:00:13
16	it to be accurate.	17:00:15
17	Q. Have you seen counsel for Waymo showed you	17:00:19
18	some e-mails, some call logs on what he called the	17:00:21
19	lidar log and some other documents today.	17:00:27
20	Did anything he showed you today cause you to	17:00:29
21	believe that anything in this answer is inaccurate?	17:00:32
22	A. No, it did not.	17:00:35
23	It also discusses, like I said, Anthony being	17:00:39
24	a cheerleader and encouraging the team to focus on	17:00:41
25	prototypes, which was one of his main focuses.	17:00:45
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1	Q. Putting aside the document and aside from the	17:00:51
2	people you testified you spoke to prepare on topic 1,	17:00:56
3	do you have any personal knowledge, from your	17:01:00
4	experience at Uber working with Anthony Levandowski,	17:01:03
5	that is relevant to topic number 1, which is	17:01:05
6	Levandowski's involvement in the development of lidar?	17:01:10
7	A. I worked personally with Anthony very closely	17:01:13
8	for the entire tenure that he's had with Uber and had	17:01:15
9	first-hand understanding of his what his involvement	17:01:23
10	really was and wasn't and was directly responsible or	17:01:28
11	in charge for the lidar program. And any contributions	17:01:33
12	that he would have made of any significance would have	17:01:42
13	been brought to my attention because the team would	17:01:46
14	have suggested that they had a change.	17:01:48
15	Q. Based on that personal knowledge and the	17:01:52
16	other work you did to prepare on topic 1, what is your	17:01:54
17	basic description of Mr. Levandowski's involvement with	17:01:59
18	the development of lidar at Uber?	17:02:01
19	A. He was the person who drove urgency and kept	17:02:05
20	everyone working with a sense of purpose, and he was	17:02:16
21	the one that got people to work really hard at whatever	17:02:22
22	the deadline was and give their all, and he kept	17:02:29
23	them excited about what we were doing.	17:02:34
24	Q. On topic 3, which is the efforts Uber took to	17:02:43
25	ensure Mr. Levandowski didn't use any proprietary	17:02:47
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1	information from someone else, I think Counsel, at the	17:02:51
2	end towards the end of that questioning asked you	17:02:55
3	if other than the diligence stuff that he asked you	17:02:58
4	about and other than asking Anthony not to, were you	17:03:05
5	aware of anything else.	17:03:10
6	Do you remember him asking a question along	17:03:11
7	those lines?	17:03:13
8	A. Yes, I do.	17:03:14
9	Q. And when counsel for Waymo used the	17:03:15
10	expression "other than asking Anthony not to use such	17:03:19
11	information," is it your understanding that Anthony was	17:03:24
12	asked not to use proprietary information or was told	17:03:27
13	not to use it?	17:03:32
14	MR. JAFFE: Object to form. Leading.	17:03:34
15	A. So Anthony was definitely told not to use it,	17:03:38
16	not to use any information from a previous employer.	17:03:42
17	And also, the team and I would have encountered this	17:03:47
18	information if he were using it. And we never	17:03:55
19	encountered any information, and it's simply not	17:03:58
20	believable.	17:04:05
21	Q. Why did you bring the contracts, his	17:04:08
22	employment contract and the confidentiality agreement,	17:04:10
23	on this topic?	17:04:12
24	A. To show that he complied and agreed and that	17:04:14
25	we discussed it in writing.	17:04:19
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1	MR. HUME: I don't have any other questions.	17:04:25
2	MR. JAFFE: I'm just going to have some short	17:04:27
3	follow-up.	17:04:30
4	REEXAMINATION	17:04:30
5	BY MR. JAFFE:	17:04:30
6	Q. Was the testimony that you gave before your	17:04:30
7	counsel just started asking you questions was it	17:04:33
8	true and accurate?	17:04:37
9	A. I believe so.	17:04:39
10	Q. You're not taking back any of your prior	17:04:41
11	testimony. Right?	17:04:43
12	A. I don't no. I don't I don't know	17:04:49
13	no, I'm not.	17:04:52
14	Q. Did you discuss the subject matter of your	17:04:58
15	testimony before your counsel started questioning you,	17:05:01
16	after the deposition started?	17:05:04
17	A. No.	17:05:06
18	Q. I have one quick thing to do in follow up.	17:05:08
19	A. You mean while we were here today?	17:05:11
20	Q. Yeah.	17:05:14
21	A. No.	17:05:15
22	THE REPORTER: 903.	17:05:15
23	MR. JAFFE: 903. Thank you.	17:05:20
24	This is UBER76566.	17:05:23
25		17:05:24
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1	(Whereupon, Deposition Exhibit 903 was marked	17:05:26
2	for identification.)	17:05:26
3	Q. I've marked a document as Exhibit 903 yes,	17:05:38
4	Exhibit 903.	17:05:41
5	Before we get to this document, what I'd like	17:05:43
6	to do is do you see the Bates number on the bottom	17:05:45
7	right-hand side	17:05:48
8	A. Yes.	17:05:48
9	Q that says 76566?	17:05:49
10	A. Uh-huh.	17:05:52
11	Q. Can you look at the back at our old friend	17:05:53
12	the lidar log here, Exhibit 866 [sic], and in	17:05:56
13	particular, if you can go to entry on the	17:06:02
14	lidar log.	17:06:07
15	A. Yes.	17:06:13
16	Q. And do you see the "Bates number" column,	17:06:14
17	second column?	17:06:17
18	A. Yes.	17:06:23
19	Q. Can you confirm that what we've marked as	17:06:25
20	Exhibit 903 has the same Bates number as what's in row	17:06:27
21	549 under the lidar log?	17:06:33
22	A. Yes.	17:06:35
23	Q. So this reflects that the author of	17:06:36
24	Exhibit 903 is Anthony Levandowski?	17:06:38
25	A. That's right.	17:06:41
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Q. And he sent this memo or document to a number	17:06:43
of people, including yourself?	17:06:47
A. Yes.	17:06:50
Q. And it's dated November 2, 2016, so at this	17:06:51
point Mr. Levandowski is the head of Uber ATG. Right?	17:06:56
A. I don't see the date, but	17:07:01
Q. As the date reflected on the lidar log	17:07:04
here	17:07:07
A. I'm sorry. Yes. Gotcha. Yes, it is.	17:07:07
Q. Okay. So I'd like you to turn to did I	17:07:11
hand you with the one with the circle on it?	17:07:17
A. Red, yeah.	17:07:20
Q. Okay. So maybe you can switch with so we	17:07:20
don't have the one with my handwriting.	17:07:23
You probably have a clue of what I'm going to	17:07:32
ask you about, which relates to the "Laser efforts	17:07:34
update" that's on the second page.	17:07:37
A. Yes.	17:07:39
Q. And do you see this is Mr. Levandowski	17:07:45
saying,	
	17:08:01
A. Uh-huh.	17:08:04
Q. Do you see that?	17:08:05
	Page 255
	of people, including yourself? A. Yes. Q. And it's dated November 2, 2016, so at this point Mr. Levandowski is the head of Uber ATG. Right? A. I don't see the date, but Q. As the date reflected on the lidar log here A. I'm sorry. Yes. Gotcha. Yes, it is. Q. Okay. So I'd like you to turn to did I hand you with the one with the circle on it? A. Red, yeah. Q. Okay. So maybe you can switch with so we don't have the one with my handwriting. You probably have a clue of what I'm going to ask you about, which relates to the "Laser efforts update" that's on the second page. A. Yes. Q. And do you see this is Mr. Levandowski saying,

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1	Α.	Uh-huh. Yes, I do.	17:08:06
2	Q.	This is referring to going from Spider to	17:08:07
3	Fuji. Ri	ght?	17:08:09
4	Α.	Yes.	17:08:10
5	Q.	And a couple sentences down he says,	
			17:08:36
11		Do you see that?	17:08:38
12	Α.	Uh-huh.	17:08:38
13	Q.	What was Mr. Levandowski referring to when he	17:08:39
14	was talki	ng about the lasers that he's built like this	17:08:42
15	before?		17:08:46
16		MR. HUME: Object to the form.	17:08:47
17	А.	I don't know.	17:08:50
18	Q.	This is Mr. Levandowski referring to Fuji as	17:08:58
19	a lidar l	ike ones he's built before. Right?	17:09:02
20		MR. HUME: Object to the form.	17:09:07
21	Misc	haracterizes the document.	17:09:08
22	Α.	It's not how I read it. It says "we," as in	17:09:10
23	the team.	So some folks on the team have built lasers	17:09:14
24	like this	before, presumably, you know, a	
			09:22
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1	Q. Are you aware of whether he and other folks	17:09:26
2	that are former Google employees have built	17:09:29
3		17:09:32
4	A. I wasn't aware that the Google laser was a	17:09:34
5	905 until this trial.	17:09:38
6	Q. So when you read this, you have no idea	17:09:40
7	whether it's referring to Google or not?	17:09:44
8	A. Oh, I would not have assumed for a second	17:09:47
9	that it is. I have no idea.	17:09:50
10	Q. So when Mr. Levandowski writes in this	17:09:53
11	document that	
		17:10:10
16	A. No, because we were pivoting because I	17:10:13
17	insisted that we pivot, not because we did. He wanted	17:10:15
18	to do and I wanted to do	17:10:18
19	And I have no knowledge of Waymo's laser, and	17:10:20
20	I wanted our team to build because I felt that it	17:10:24
21	was the right part for us to do.	17:10:28
22	Q. And did you ever discuss with Mr. Levandowski	17:10:31
23	that whether he had built a laser like this before,	17:10:33
24	referring to a	17:10:38
25	A. No, I didn't.	17:10:41
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1	Q. Never came up?	17:10:43
2	A. No.	17:10:44
3	Q. When you received this document from	17:10:49
4	Mr. Levandowski in November 2016, did you ask him what	17:10:51
5	he meant when he said we built lasers like this before?	17:10:55
6	A. No.	17:10:58
7	MR. HUME: Object. Object to the form.	17:10:59
8	Mischaracterizes the document.	17:11:00
9	A. I did not ask him what he meant.	17:11:03
10	MR. JAFFE: Okay. We can put this aside. We	17:11:08
11	can take a quick break and switch to the personal.	17:11:11
12	THE VIDEOGRAPHER: Going off the record, the	
13	time is 5:10 p.m.	
14		
15	(Time noted: 5:10 p.m.)	
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
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1	CERTIFICATE
2	COMMONWEALTH OF PENNSYLVANIA)
)
3	COUNTY OF ALLEGHENY)
4	
5	I, Rebecca L. Schnur, do hereby certify that
	before me, a Notary Public in and for the Commonwealth
6	aforesaid, personally appeared ERIC MEYHOFER, who then
	was by me first duly cautioned and sworn to testify the
7	truth, the whole truth, and nothing but the truth in
8	the taking of his oral deposition in the cause
9	aforesaid; that the testimony then given by him as
	above set forth was by me reduced to stenotype in the
10	presence of said witness, and afterwards transcribed by
	means of computer-aided transcription.
11	I do further certify that this deposition was
	taken at the time and place in the foregoing caption
12	specified.
	I do further certify that I am not a relative,
13	counsel or attorney of either party or otherwise
	interested in the event of this action.
14	IN WITNESS WHEREOF, I have hereunto set my hand
15	and affixed my seal of office at Pittsburgh,
16	Pennsylvania, on this 21st of August, 2017.
17	
18	
19	
20	
21	
22	
23	Rebecca L. Schnur, RDR, Notary Public
24	In and for the Commonwealth of Pennsylvania
25	My Commission expires June 16, 2021.
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